

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76109 of 2023

Arising Out of PS. Case No.-528 Year-2023 Thana- DHAKA District- East Champaran

Raju Kumar S/O Binay Sahani Village- Lahi Banjariya, Ps. Madhuban, Dist.
East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner prayed for regular bail in connection with Dhaka (Pachpakri)P.S. Case No.528 of 2023 instituted for the offence under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Amendment Act.

As per FIR, the petitioner was apprehended on the spot and from his motorcycle bearing Reg. No. BR30M7403, total 75.9 liters of Nepali Desi liquor was recovered.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in



this present case by the police on denial of illegal gratification by him to the police for the seized motorcycle. Petitioner has no concern with the alleged recovery of liquor and the seized vehicle is purchased by the petitioner from its owner namely Ravindra Kumar S/o Rajinand Sahni but the registration has not been transferred yet. Seizure list has not been prepared as per provision of Section 100 of the Cr.P.C. It is further submitted that nothing incriminating article has been recovered from his conscious possession. The petitioner has got no criminal antecedent and languishing in judicial custody since 15.09.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

The petitioner is directed to deposit a sum of **Rs 5,000/- (Five Thousand)** in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhaka (Pachpakri) P.S. Case No. 528 of



2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no.1, Civil Court, East Champaran at Motihari.

The bail bond of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 5,000/- (Rs. Five thousand)** by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

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