

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79033 of 2023

Arising Out of PS. Case No.-432 Year-2023 Thana- Excise P.S. District- Patna

Santosh Kumar Son Of Pappu Saw R/O Sevnan, P.S.- Jehanabad, District-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 72 liters of country made liquor from a motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and also he has no concern with the seized liquor. There is no eye witness of the seizure list rather they are police personnel which violates the provision of Section 100 of Cr.P.C. A statement has been made



in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 24.08.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Excise Masaurhi P.S. Case No. 432 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 Judge 2nd, Patna.

(Sunil Kumar Panwar, J)

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