

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78506 of 2023

Arising Out of PS. Case No.-495 Year-2023 Thana- SABAUR District- Bhagalpur

Vivek Kumar Son Of Ramashish Pandit @ Ramvilash Pandit Resident Of
Village- Kumharpur (Baraipara), Ps- Dumka, Distt- Dumka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner prayed for regular bail in connection
with Sabour P.S. Case No. 495 of 2023 instituted for the
offence under Sections 30(a), 32(i)(ii) and 41 of the Bihar
Prohibition and Excise Act.

As per FIR, the petitioner was apprehended on the
spot and from the Altroz car bearing Reg. No. JH04Y4628,
total 27 liters foreign 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
this case on suspicion. He has got no criminal antecedent.



Petitioner has no concern with the alleged recovery of liquor. 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 is languishing in judicial custody since 08.09.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that petitioner was apprehended on the spot from where the recovery has been made.

The petitioner being driver of the alleged vehicle 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 Sabour P.S. Case No. 495 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 Special Excise Judge-II, Bhagalpur.



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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