

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76665 of 2023

Arising Out of PS. Case No.-1707 Year-2023 Thana- Excise P.S. District- Gaya

MD. KAPIL SON OF LATE MD. USMAN RESIDENT OF VILLAGE -
GEWALBIGHA, P.S. - RAMPUR, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 30(a) and 56(b) of the
Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
115.875 liters of illegal foreign liquor from a hut.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner has no
concern either with the seized wine in question or the place of
occurrence does not belongs to him. No incriminating article has
been recovered from the conscious possession of the petitioner.
The provision of Section 100 of the Cr.P.C. has not been



followed in this case, while preparing the seizure list. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 28.09.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Gaya Excise P.S. Case No. 1707 of 2023.

(Sunil Kumar Panwar, J)

Arish/-

U		T	
---	--	---	--

