

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78602 of 2023

Arising Out of PS. Case No.-245 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

Shahrukh @ Md. Subhan Son Of Irfan Village- Kamalpur Ps -Kundarki Dist-
Moradabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

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.

2. The petitioner has prayed for 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 total 3110.4 liters of foreign liquor from a truck container bearing Registration No. UP-21-BN-6222.

4. 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 case merely on suspicion. Petitioner has no concern with the alleged recovery of liquor nor vehicle in question belongs to him. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious



possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The other co-accused persons have already been enlarged on bail by different coordinate Bench of this Court vide order dated 14.10.2022 and 30.11.2022 passed in Cr. Misc. No. 51878 of 2022 and 8816 of 2022 respectively. Petitioner has got no criminal antecedent and languishing in judicial custody since 04.09.2023.

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

6. 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 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 Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No.245 of 2019.

(Sunil Kumar Panwar, J)

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