

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4140 of 2023

Arising Out of PS. Case No.-696 Year-2022 Thana- SHERGHATI District- Gaya

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LAV KUSH KUMAR S/o Late Ram Sagar Singh @ Mahtab Singh Resident
Of Village- Basura, P.S.- Sanjhauli, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 467, 465, 471/34 of the Indian Penal Code and Section 30(a), 32(ii), 41(i)(ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 3780 liters foreign liquor from a container bearing Registration no. NL-01Q-2120.

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. Petitioner has no concern with the alleged recovery of illicit liquor or with container in question rather the name of the



petitioner has been transpired in this case on the basis of confession made by apprehended co-accused namely, Navjot Singh before the police, which is inadmissible in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious or constructive possession. It is further submitted that the petitioner is languishing in judicial custody since 22.11.2022.

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

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 Sherghati P.S. Case No. 696 of 2022 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.2, Gaya.

(Sunil Kumar Panwar, J)

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