

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80590 of 2023

Arising Out of PS. Case No.-274 Year-2022 Thana- SURYAGARHA District- Lakhisarai

Bittu Kumar Son Of Mahesh Das Resident Of Mohalla -KALI Asthan
Kumhar, Toli, Dalhatta, Munger, Ps- Basudeopur, Dist- Munger

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 30(a), 32(iii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 23.460 litres of IMFL from a Tempo bearing Reg. No. BR-08P-1508. The name of petitioner was disclosed by apprehended co-accused, Sonu Kumar.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the



alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Moreover, the petitioner is languishing in judicial custody since 20.07.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has 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 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 Additional District &



Sessions Judge IV-cum-special Judge, Excise Court I,
Lakhisarai in connection with Surajgarha P.S. Case No.
274 of 2022.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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