

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81080 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- DHIBRA District- Aurangabad

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SHAILENDRA KUMAR SON OF LATE PARMESHWAR MALI R/O
VILLAGE- DHARAMPURA, P.S.- JAMHOR, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-12-2023 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 Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
120.960 liters of illegal country-made liquor from a *Tempo*.

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 with the seized wine in question and the as alleged
Tempo is commercial vehicle belongs to the petitioner is plied
by the driver and from the FIR itself, it transpires that two
persons besides driver also fled away. On the basis of suspicion,



petitioner has been implicated in the present case. The provision of Section 100 of the Cr.P.C. has not been followed in this case, while preparing the seizure list. He is languishing in judicial custody since 25.09.2023.

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 Special Judge Excise-II, Aurangabad in connection with Dhibra P.S. Case No. 68 of 2022.

(Sunil Kumar Panwar, J)

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