

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81288 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Abhishek Kumar @ Abhishek Yadav Son Of Dineshwar Yadav Resident Of
Village- Anand Bihar, Gali No. 1, Ward No. 9, Police Station- Samastipur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 420, 467, 468, 471 and 120B of the Indian Penal Code and Sections 30(a), 32, 36, 41(1) and 41(2) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of total 3605 liters of illicit liquor from a truck bearing Reg. No. BR10G-5742.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The name of the petitioner has come on the basis of confessional statement of apprehended



co-accused person before the police which has got no evidentiary value in the eye of law. Nothing has been recovered from his conscious possession and also he has no concern with the seized liquor. Neither he is owner of the said vehicle nor he is driver of the said vehicle. Similarly situated other co-accused person has already been granted bail by this Court vide Annexure-2 of this petition. Moreover, the petitioner is languishing in judicial custody since 30.10.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mufassil P.S. Case No. 127 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court -1st, Samastipur.

(Sunil Kumar Panwar, J)

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