

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4474 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Vaidhnath Kumar @ Baijnath Ray @ Vaijnath Kumar Son Of Yaduvansh Roy
Resident of Village / Mohalla -Uttri Dhamaun, P.S. - Shahpur Patori, District -
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-02-2024 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 sections 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 380 litres of country made liquor from a jute bag which was kept hidden in abandoned place near bank of river Ganga.

4. 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 place of occurrence. The name of the petitioner has been disclosed in this case by the local persons



before the police, which is inadmissible in the eye of law. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 29.11.2023.

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 2nd Special Judge (Excise) Samastipur in connection with Shahpur Patori P.S. Case No. 193 of 2023.

(Sunil Kumar Panwar, J)

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