

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52309 of 2024

Arising Out of PS. Case No.-352 Year-2023 Thana- BAISI District- Purnia

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Vishal Kumar S/O Late Lalit Prasad Sah Resident Of Gahbanalili, P.S- Kasba
District- Purnea Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-07-2024 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 272 and 273 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 22.260 litres of IMFL from a motorcycle bearing Reg. No. BR-11W-9715 and co-accused Himalay Kumar was apprehended on spot. .

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the



petitioner. There is no independent witness of the alleged seizure. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 30.11.2023 passed in Cr. Misc. No. 76377 of 2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. In contra, learned A.P.P. appearing on behalf of State vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Baisi P.S. Case no. 352 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise) no. 1, Purnea subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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