

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73231 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- PATEPUR District- Vaishali

Rahul Kumar S/O Harendra Singh Village- Chaksaid, Ps. Patepur, Dist. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-02-2024 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 420 and 120(B) of I.P.C. and Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of total 4725.72 liters wine from ten vehicles. Two co-accused persons apprehended on the spot who disclosed the name of the petitioner as of their associates.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to his previous criminal antecedents. He has no concern with the alleged recovery or with the vehicles in



question. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner is languishing in judicial custody since 27.09.2023.

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 Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 112 of 2023.

(Sunil Kumar Panwar, J)

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