

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79936 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- BUDDHACOLONY District- Patna

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GOLU KUMAR SON OF PRAHLAD PASWAN RESIDENT OF VILLAGE
- CHINA KOTHI, HARIJAN COLONY, PS- BUDHA COLONY, DISTT-
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-04-2024 Heard learned counsel appearing on behalf of

the parties.

2. The accused/petitioner is named in the F.I.R.

and apprehending his arrest in connection with Budha

Colony P.S. Case No. 435 of 2023 registered for the

offences punishable under Section 30 A of the Bihar

Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,



where there is recovery of 113.4 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot rather his name surfaced in the present case out of disclosure as made by co-accused Pankaj Paswan @ Pankaj Kumar, who has already granted bail by this Hon'ble Court through Cr. Misc. No. 60112 of 2023 vide order dated 08.09.2023. It is submitted that alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by homeguard personnels. While concluding the argument it is submitted that petitioner found involved in one more case, where he is on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as



mentioned above and by taking note of the fact, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, accordingly above named petitioner, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna/concerned Court where the case is pending in connection with Budha Colony P.S. Case No. 435 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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