

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82186 of 2023

Arising Out of PS. Case No.-750 Year-2023 Thana- SHEKHPURA District- Sheikhpura

Santosh Kumar Son Of Shiv Prasad Resident Of Village- Kodeya, Police
Station- Patehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Pushpa Sinha. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Sheikhpura P.S. Case No. 750 of 2023 registered under sections 30(a), 41 and 32 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 81 liters of country made liquor from a vehicle bearing Reg. No. WB-02A-2779 and the petitioner was arrested by the police on spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the



seized illicit liquor. There is no independent witness of the seizure list which violates the provision of 100 Cr.P.C. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 29.10.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioner has been arrested on spot with the said vehicle by the police from where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Sheikhpura P.S. Case No. 750 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Sheikhpura.

The bail bonds of the petitioner shall be accepted by



the learned lower Court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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