

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83974 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- CHACKMEHSI District- Samastipur

Md. Nurhasan Son Of Phulbabu R/O Village- Purushottampur, P.S.-
Kalyanpur, District- Samastipur Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-01-2024 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 468, 471, 420, 414/34 of the Indian Penal Code and sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise (Amendment) Act.

3. Prosecution case relates to recovery of 414 litres IMFL from Tata Magic bearing Registration No. BR33GB6421 and petitioner was arrested on spot who was driving the said vehicle. Four other vehicles were also seized and from which huge quantity of illicit were recovered by the police.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner was not arrested on spot. He is languishing in judicial custody since 7.8.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Petitioner is directed to deposit Rs. **10,000/- (Rs. Ten thousand)** in the concerned DLSA.

7. 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 Special Judge Excise-I, Samastipur in connection with Chakmehsi P.S. Case No. 72 of 2023.

8. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of



deposit of Rs. **10,000/- (Ten thousand only)** by the
petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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