

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84736 of 2023

Arising Out of PS. Case No.-2048 Year-2023 Thana- Excise P.S. District- East Champaran

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Kamesh Kumar SON OF RAGHUBIR MUKHIYA R/O VILLAGE-
HASUWAHA, WARD NO. 5, P.S.- MUFFASIL, DIST.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a
case registered for the offence punishable under section
30(a), of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery
of 70 liter country made liquor and 1600 kg sugarcane
mixture from an open place.

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
present case merely due to high handedness of the police
officials. The petitioner has no concern with the alleged



recovery. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner has got no criminal antecedent. Moreover he is languishing in judicial custody since 15.10.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Excise P.S. Case No. 2048 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-II, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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