

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84059 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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AMOD KUMAR YADAV S/O SAUKHI YADAV R/O VILLAGE-
AGROPATTI, P.S- BENIPATTI, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Tarun Prasad Mandal

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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 regular bail in a case registered for the offence punishable under section 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of 3429.72 liter foreign made liquor from a truck and two co-accused persons were apprehended on the spot and they confessed name of the petitioner as their associate.

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 on the basis of confessional statement of



co-accused. The petitioner has no concern with the alleged recovery and he was also not apprehended from the place of 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 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 Darbhanga Sadar (Mobbi O.P.) P.S. Case No. 444 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 Exclusive Special Judge-I Excise Act, Darbhanga.

(Sunil Kumar Panwar, J)

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