

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85271 of 2023

Arising Out of PS. Case No.-1456 Year-2023 Thana- Excise P.S. District- Jamui

Akash Kumar S/O Ram Kumar Sah R/O Village- Chai Tola Musallahpur, P.S-
Kadamkuan, Distt.- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Jam P.S. Case No. 1456 of 2023 registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. Prosecution case relates to recovery of 549 litres IMFL from a car and petitioner (driver) was arrested on spot with another co-accused.

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 or with the vehicle in question. Because he was driving the alleged car, he has been implicated in the present case. Provision of Section



100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner is languishing in judicial custody since 19.11.2023.

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 Exclusive Special Judge Excise 2nd Jamui in connection with Jam P.S. Case No. 1456 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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