

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85647 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- BABUBARHI District- Madhubani

Prem Kumar Rai Son of Pawan kumar Rai R/o Village- Ekamma,P.S.-
Rajnagar,District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-01-2024 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 272, 273/34 of the Indian Penal Code and sections 30(a), 41(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 86.40 litres nepali liquor from Pulsor and petitioner was arrested on spot after chase.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Nothing was recovered from conscious possession of the petitioner. Petitioner has no concern with the seized motorcycle. Petitioner is a poor person and he runs a tes



shop. Petitioner is languishing in judicial custody since 28.10.2023.

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

6. Petitioner is directed to deposit Rs. **5,000/- (Rs. Five 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 Additional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No. 338 of 2023.

8. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. **5,000/- (Five thousand only)** by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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