

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85375 of 2023

Arising Out of PS. Case No.-671 Year-2023 Thana- ALAMGANJ District- Patna

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Umesh Rai SON OF Bharat Rai @ Late Bharat Rai RESIDENT OF
VILLAGE- Terasiya, Pillar No. 09, PS-Ganga Bridge, DIST- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Mishra

For the Opposite Party/s : Mr.Rana Randhir Singh

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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.

The petitioner has filed the instant application for
grant of regular bail registered under section 30(a), 32, 36 of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 50 liter country
made liquor from the motorcycle of the petitioner and he was
also apprehended on the spot.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case merely on suspicion.
Nothing incriminating has been recovered from the conscious
possession of the petitioner and he has no concern with the
seized illicit liquor. It is further submitted that the Section 100



of the Cr.P.C. has not been followed while preparing the seizure list. There is no independent witness of the seizure list. Moreover, he is languishing in judicial custody since 26.07.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioner has been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 5,000/- (Rs. Five Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Alamganj P.S. Case No. 671 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City.

The bail bonds of the petitioner shall be accepted by the learned lower Court below on showing the receipt of deposit



of Rs. 5,000/- (Rs. Five Thousand) by the petitioner in the
account of concerned DLSA.

(Sunil Kumar Panwar, J)

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