

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.462 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- SIKTI District- Araria

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Dinesh Kumar Son Fo Devendra Paswan Village Hardia Bad Ps Pipara
District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-01-2024 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 sections 30(a)(38(i) 41(i) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 1.200 liters of illicit liquor from dikki of the seized vehicle and 65 empty bottles were recovered from the bush near the house of the co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the conscious possession of this petitioner. He has no concern with the seized articles. It is further submitted from para- 19 of this petition that the petitioner has been handed a dual



punishment as he has not only been put behind the bar but has also been suspended from his service. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing seizure list. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 24.01.2024 in Cr. Misc. No. 84870 of 2023. Moreover, the petitioner is languishing in judicial custody since 15.10.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sikti P.S. Case No. 268 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 Spl. Excise Court-2, Araria.

(Sunil Kumar Panwar, J)

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