

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1314 of 2024

Arising Out of PS. Case No.-331 Year-2023 Thana- PARAIYA District- Gaya

Samresh Kumar S/O Late Awadhesh Singh Village Phurhariya Ps Paraiya Dist
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 18-01-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Paraiya P.S. Case no.
331 of 2023 registered under sections 30(a), 32(II), 41(I)(II) of
the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, one Kamlesh Kumar
was arrested and a total quantity of 968 litres of IMFL was
recovered. It is further stated that on inquiry he disclosed that he
is the owner of the truck and the liquor had been loaded on the
truck by co-accused Ravi and Santosh at Haryana. He further
disclosed that he along with his brother, the petitioner herein are
involved in sale of liquor.

4. Learned counsel for the petitioner submits that
from the contents of the F.I.R itself it would be evident that
neither the petitioner was arrested at the spot nor any



incriminating article recovered from his possession. He has no concern with the allegedly seized articles nor with the vehicle in question. He is in custody since 6.12.2023 and has no antecedent under the Bihar Prohibition and Excise Act, 2016. The only material against the petitioner is the confessional statement of the co-accused, his brother, made before police.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, no incriminating article having been recovered from his possession, the petitioner being in custody since 6.12.2023 and not having antecedent under Bihar Prohibition and Excise Act, 2016, the petitioner is directed to be enlarged on bail in connection with Paraiya P.S. Case no. 331 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 Additional District and Sessions Judge-cum-Exclusive Special Excise Court no. 2, Gaya.

(Partha Sarthy, J)

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