

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13048 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -CHAPRA MUFFASIL District- SARAN

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Shri Bhagwan Rai @ Bhagwan Ray, S/o Late Shambhu Rai, Resident of
Mohalla-Sandha, P.S.-Chapra Muffasil, District-Chapra, Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Maheshwar Prasad, Advocate.

For the Opposite Party/s : Mr. Shantanu Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 06-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Chapra Muffasil P.S.
Case No. 10 of 2018 registered under Sections 272 and 273 of the
Indian Penal Code and Sections 30, 38 and 41 of the Excise Act.

120 litres of country made liquor is said to have
been recovered from the joint possession of the petitioner and one
other co-accused, namely, Brijesh Kumar Rai and the petitioner
and the said accused were apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather from the
chaur behind the village Ghosh Colony. He has no concern either



with the seized liquor or with the place of occurrence. He has been falsely implicated in the case at the instance of his enemies by planting aforesaid recovery from his possession. He has no criminal antecedent. He has been languishing in custody since 06.01.2018. Similarly situated co-accused, namely, Brijesh Kumar Rai has been enlarged on bail by a co-ordinate bench of this court vide order dated 12.02.2018 passed in Cr. Misc. No. 6899 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge cum Special Judge, Excise, Chapra, Saran in connection with Chapra Moffaisil P.S. Case No. 10 of 2018

(Prakash Chandra Jaiswal, J)

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