

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40655 of 2018

Arising Out of PS.Case No. -68 Year- 2018 Thana -SAHARGHAT District- MADHUBANI

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Saroj Rai S/o Bajranghi Rai, R/o Vill.- Balba, P.S.- Madhawapur, District-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 16-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

Petitioner along with two other accused persons are
said to have been carrying 249 litres of Nepali liquor in the bag
from the Akharaghat river and the petitioner was apprehended
while two other accused persons managed to escape. He divulged
that the said liquor is hailing to Rakesh Rai and he was carrying
the same as labourer.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery. Place of recovery is open place and is easily accessible to anyone. He has been falsely implicated in the case by the police merely on suspicion and the real culprit managed to escape dumping the aforesaid liquor there seeing the police party. He has no criminal antecedent. He has been languishing in custody since 06.05.2018.

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 Addl. Session Judge-II –cum- Special Judge Excise Act, Madhubani in connection with Sahar Ghat P.S. Case No. 68 of 2018.

(Prakash Chandra Jaiswal, J)

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