

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32704 of 2018

Arising Out of PS.Case No. -159 Year- 2018 Thana -KANTITHARMAL POWER District -
MUZAFFARPUR

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Rishikesh @ Mohan Chaudhary S/o Late Nitishwar Chaudhary @
Nitishwar Sharma Resident of Village - Dhevhan, P.S. - Kanti, District -
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 03-07-2018 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 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

Huge quantity of foreign liquor is said to have been
recovered from the house of Jyoti Chaudhary and the petitioner
and one other accused namely Vikash Kumar who are said to have
arrived there to purchase liquor were apprehended from the said
house.

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. He has been falsely implicated in the case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence and stopped at the door of Jyoti Chaudhary to see the flocking of crowd there. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 06.04.2018.

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 Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 159 of 2018.

(Prakash Chandra Jaiswal, J)

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