

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41433 of 2018

Arising Out of PS.Case No. -271 Year- 2017 Thana -MALSALAMI District- PATNA

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Mahesh Das, S/o Rameshwar Das @ Ramishwar Das, R/o Kauakhoh,
Pathal Ghat, P.S.-Malsalami, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 11-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

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.

130.400 litres of country made liquor is said to have
been recovered from the bush located towards East of the Adra
Ghat allegedly hailing to the petitioner and two other accused
persons named in the written report.

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 or with



any trade of liquor. He has been falsely implicated in the case at the instance of his enemies. He was not apprehended on the spot. 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 26.05.2018.

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 Special Judge, Excise, Patna in connection with Malsalami P.S. Case No. 271 of 2017 (Special Case No. 6912 of 2017).

(Prakash Chandra Jaiswal, J)

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