

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42099 of 2018

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Abishak Kumar Pandey @ Baul, son of Santosh Pandey, resident of village
Dahigana, P.S. Dumraon, District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. S. Ehteshamuddin

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

ORAL ORDER

02 13-07-2018 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 Section 30 (A)/41 (1) of the Bihar Prohibition
and Excise Act, 2016.

34.56 liters of country made liquor is said to have been
recovered from the motorcycle and the petitioner sitting on the
said motorcycle was apprehended while another accused managed
to escape. On the disclosure of petitioner and other apprehended
accused persons huge quantity of liquor was recovered from the
open field and shop of Kariman Yadav.

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



- 2 -

with the seized liquor or the motorcycle in question. He has been falsely implicated in this case merely on suspicion while he had gone to attend the call of nature near the place of occurrence. Nothing has been seized on the basis of his disclosure. Similarly situated co-accused, namely, Sujit Singh, Rohit Singh and Ajit Kumar have been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No. 39009 of 2018 vide order dated 09.07.2018. He has no criminal antecedent and has been languishing in custody since

In the facts and circumstances of the case, 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 A.D.J.-II-cum-Special Judge Excise, Buxar in connection with Dumraon P.S. Case No.205 of 2018.

(Prakash Chandra Jaiswal, J)

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