

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42245 of 2018

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Kapildeo Rai, son of late Kodai Rai, Resident of village-Laxman Nagar,
P.S. Mahuawa, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Nagendra Prasad

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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 Sections 272 and 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

54 liters of Nepali liquor is said to have been recovered from the two bags dumped by the petitioner and one another accused and the petitioner was apprehended while other accused managed to escape.

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 the place of recovery. He has been falsely



implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence while the real culprit managed to escape dumping the aforesaid bag there. He has no criminal antecedent and has been languishing in custody since 13.05.2018.

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 Special Judge Excise, East Champaran, Motihari in connection with Chhauradano (Mahuawa) P.S. Case No. 121 of 2018.

(Prakash Chandra Jaiswal, J)

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