

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43462 of 2018

Arising Out of PS.Case No. -132 Year- 2018 Thana -SHEOHAR District- SHEOHAR

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1. Ajay Sah @ Ajay Kumar @ Ajay Kumar Gupta, Son of Shambhu Sah @ Shambhu Gupta @ Shambhu Prasad, resident of Sheohar Ward No. 13, Police Station- Sheohar, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Sheohar P.S. Case No. 132/2018, registered under Sections 30(a) and 37 (A)(C) of the Bihar Prohibition and Excise Act, 2016.

120 liters of fermented toddy, gas cylinder, burner and a motorcycle are said to have been recovered from the shop of the petitioner and the petitioner 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 with the seized articles. He has been falsely implicated in this case



at the instance of enemy. As per the F.I.R., the articles have been seized from the shop of the petitioner, but the seizure list shows that the aforesaid articles have been recovered from the orchard of Sonu Singh, which creates serious doubt about the prosecution case. The petitioner was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 18.06.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, Sheohar, in connection with G.R. No. 488 of 2018, arising out of Sheohar P.S. Case No. 132/2018.

(Prakash Chandra Jaiswal, J.)

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