

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42687 of 2018

Arising Out of PS,Case No. -202 Year- 2014 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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Kapil Manjhi, Son of Dhukhi Majhi, Resident of Village – Rajapur Mushari
Tola, P.S.-Kotwa, District-East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

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

2 16-07-2018 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, 273, 467, 468 and 420 of
the Indian Penal Code and Section 47(a) of the Bihar Prohibition
and Excise Act, 2016.

25 litres of spirit, 120 litres of country made liquor
and some wrappers, etc. are said to have been recovered from near
the hut located on the land of Yogendra Rai and co-accused Nawal
Yadav @ Nawal Rai was apprehended while two other accused
persons managed to escape. Said Nawal Rai disclosed the name of
the petitioner in the occurrence as one of his fleeing accomplices.

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 articles or with the place of recovery or with any trade of liquor. He has been falsely implicated in the case by the apprehended accused Nawal Rai due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 24.02.2018.

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 Addl. Sessions Judge-VII cum Special Judge, Excise, East Champaran, Motihari in connection with Kotwa P.S. Case No. 202 of 2014.

(Prakash Chandra Jaiswal, J)

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