

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43540 of 2018

Arising Out of PS.Case No. -318 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

=====

Bikau Paswan, S/o. Aghunu Paswan, Resident of Village- Dumri Kala Ward
No.-1, P.S. Majorganj, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi

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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 a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Five accused persons are said to have been carrying
liquor but seeing the police personnel four of them managed to
escape while the petitioner was apprehended. 150 litres of Nepali
liquor was recovered from the bags being carried by the accused
persons.

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 liquor. He has been falsely implicated in the 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 liquor at the place of occurrence seeing the police party. He had not made any disclosure to the police party. There has been violation of 100 Cr.PC. There is nothing in the written report as to what quantity of liquor was being carried by each of the accused persons. He has no criminal antecedent and has been languishing in custody since 08.06.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. II –cum-Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/318/2018.

(Prakash Chandra Jaiswal, J)

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