

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42579 of 2018

Arising Out of PS.Case No. -358 Year- 2018 Thana -SHERGHATI District- GAYA

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Harendra Kumar Singh @ Tuntun Kumar, Son of Sunil Kumar @ Sunil Kumar Singh, Resident of village – Gopalpur, P.S.-Sherghati, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

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

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

50 Kg of Mahua flower is said to have been recovered from the motorcycle and the petitioner sitting on the said motorcycle was apprehended in the course of escaping.

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 article or with the motorcycle in question.



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 leaving the aforesaid article laden motorcycle there seeing the police party. There is violation of Section 100 Cr.P.C. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 30.06.2018.

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 Special Judge, Excise, Gaya in connection with Sherghati P.S. Case No. 358 of 2018.

(Prakash Chandra Jaiswal, J)

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