

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44971 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -PANCHRUKHI District- SIWAN

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1. Umaram @ Uma Ram S/o Late Ramayan Ram, R/o Vill.- Sahlaur, P.S.-
Sarai O.P., District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 25-07-2018 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.

220 litres of foreign liquor is said to have been
recovered from the bush located near the Government Middle
School, Sahlaur, said to be kept by the petitioner and four other
accused persons for vending. Out of them, two accused persons
namely Godhan Sah and Binod Prasad Gupta were apprehended
while rest managed to escape. Apprehended accused disclosed the
name of the petitioner as one of their 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 liquor or with the place of recovery. Place of recovery is open place and is easily accessible to anyone. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. Petitioner was not apprehended on the spot. 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 10.07.2018.

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 ADJ-II cum Special Judge, Excise, Siwan in connection with Pachrukhi (Sarai) P.S. Case No. 13 of 2018.

(Prakash Chandra Jaiswal, J)

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