

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45676 of 2018**

=====

Bhola Kumar, S/o Sri Shiv Jee Prasad Gupta @ Shiv Sah, resident of village  
– Mathiyadih Chhatanuni, P.S.-Chhatauni, District-East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance:**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Shantanu Kumar

=====

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

2      27-07-2018                      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.

72 litres of Nepali liquor kept in two bags kept on  
two motorcycles was seized and the petitioner riding on one  
motorcycle was apprehended while other accused managed to  
escape abandoning his motorcycle.

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 vehicle in question. He has  
been falsely implicated in the case by the personnel of Excise



department while he was passing through the place of occurrence at the time of occurrence and real culprit managed to escape dumping the aforesaid liquor laden motorcycle there seeing the personnel of Excise department. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 06.06.2018.

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, East Champaran, Motihari in connection with Excise Case No. 263 of 2018.

**(Prakash Chandra Jaiswal, J)**

Mishra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

