

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44152 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -RAFIGANJ District- AURANGABAD

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Rakesh Paswan @ Guddu, Son of Jagdihs Paswan, resident of Village-
Soneversa P.S. Rafiganj, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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

2 23-07-2018 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 30 (a) & 38(i) of the Bihar Prohibition and Excise Act, 2016.

182.75 liters of foreign liquor is said to have been recovered from straw house of the Jagdish Prasad and the said Jagdish Prasad and his daughter-in-law were apprehended. The said Jagdish Prasad is said to have been running the liquor trade with his son (petitioner) and daughter-in-law.

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. There is nothing on record indicating the complicity



of the petitioner barring the confessional statement of the said Jagdish Prasad which has no evidentiary value in the eye of law. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 24.05.2018.

In the facts and circumstances of the case, 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 Additional Sessions Judge VII -cum-Special Judge Excise, Aurangabad in connection with Rafiganj P.S. Case No.90 of 2018.

(Prakash Chandra Jaiswal, J)

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