

-IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49144 of 2018

Arising Out of PS.Case No. -502 Year- 2018 Thana -BIHTA District- PATNA

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Kedar Mahto Son of late Akloo Mahto Resident of Village- Amnabad
Ganjpar, P.S. Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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

ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

26.400 litres of country made liquor is said to have
been recovered from the maize field located near the house of the
petitioner and the petitioner was apprehended while others
managed to escape. From the possession of the petitioner, cash of
Rs. 6970/- was recovered.

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 place of recovery. Place of recovery is open place and is easily accessible to anyone. He has been falsely implicated in the case at the instance of his enemies. Seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 12.05.2018.

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, Patna in connection with Special Case No. 4425 of 2018 arising out of Bihta P.S. Case No. 502 of 2018.

(Prakash Chandra Jaiswal, J)

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