

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45493 of 2018**

Arising Out of PS.Case No. -402 Year- 2018 Thana -BARACHATTI District- GAYA

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Avinash Kumar Pathak, Son of Udeswar Pathak, Resident of New Colony Jagarnathpur, P.S.- Jagarnathpur, District Ranchi (Jharkhand).

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Sakir Ahmad

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

3      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.

96 litres of country made liquor is said to have been recovered from the Indigo car and the petitioner and two other accused persons sitting in the said car were apprehended.

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 happens to be simple commuter of the aforesaid vehicle and was



travelling in it without any knowledge of keeping of the liquor in it. He has been falsely implicated in the case. He has no criminal antecedent. He has been languishing in custody since 17.06.2018.

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 Barachatti (Mohanpur) P.S. Case No. 402 of 2018.

**(Prakash Chandra Jaiswal, J)**

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