

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49211 of 2018

Arising Out of PS.Case No. -215 Year- 2018 Thana -MALSALAMI District- PATNA

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Bishnu Roy S/o Munaka Ray, R/o Vill.- Bundel Toli, Vaishali Colony,
Malsalami, P.S.- Malsalami, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Veena Kumari Jai

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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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 Sections 272 and 273 of the Indian Penal
Code and Sections 30(a), 37(c) and 38 of the Bihar Prohibition
and Excise Act, 2016.

26 litres of country made liquor is said to have been
recovered from the motorcycle and the petitioner was
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
with the seized liquor. He has been falsely implicated in the case



at the instance of his enemies by planting aforesaid recovery from his possession. There is violation of Section 100 Cr.P.C. 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 09.06.2018.

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 Act, Patna in connection with Malsalami P.S. Case No. 215 of 2018, Special Case No. 5359 of 2018.

(Prakash Chandra Jaiswal, J)

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