

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46885 of 2018

Arising Out of PS. Case No.-217 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Kamlesh Yadav, S/o Shyam Lal Yadav, R/o Vill-Mani Rai Ke Tola, P.S. Ara Muffasil, Distt-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Ara Muffasil (Dhobaha) P.S. Case No. 217 of 2018 registered for the offence punishable under Section 30(a), 37(B) of the Bihar Prohibition and Excise Act, 2016.

43.200 lts. of foreign liquor is said to have been recovered from bush located near closed brick kiln which is said to be kept there by the petitioner and he was apprehended while other accused, namely, Tunna Yadav managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either



with the seized liquor or with the place of recovery. The place of recovery is open place and easily accessible to anyone. He has been falsely implicated in this case at the instance of his enemy. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 29.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bhojpur, Ara in connection with Ara Muffasil (Dhobaha) P.S. Case No. 217 of 2018.

(Prakash Chandra Jaiswal, J)

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