

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46724 of 2018

Arising Out of PS.Case No. -115 Year- 2018 Thana -KHAGAUL District- PATNA

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1. Chhotu Kumar, Son of Sanjay Paswan, R/o Gauraiya Sthan, Garikhana,
P.S.- Khagaul, District- Patna. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Smt. Meena Singh (APP)

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

27 liters of foreign liquor is said to have been
recovered from two vehicles and petitioner and three other
accused persons managed to escape from the aforesaid place
seeing the police party but were identified by the locals.

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 has
been falsely implicated in the case at the instance of his enemy.
The identity and genuineness of the source of information is not



mentioned in the written report of the informant. Seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. Petitioner was not apprehended on the spot. He has no criminal antecedent. Similarly situated co-accused, namely, Sikandar Yadav and Golu Kumar have been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 11.07.2018 passed in Cr. Misc. No. 38677 of 2018 and Brajesh Kumar Mahto and the petitioner (Chhotu Kumar) have also been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 09.07.2018 passed in Cr. Misc. No. 37256 of 2018 but the petitioner was apprehended in the mean time and is in custody since 26.06.2018.

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 Special Case No. 4392 of 2018 arising out of Khagaul P.S. Case No. 115 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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