

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45125 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -JADOPUR District- GOPALGANJ

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Omprakash Yadav @ Omprakash Kumar Yadav, S/o. Balister Yadav @
Balister Chaudhary, R/o. Village- Kararia, P.S.- Gopalganj Town, District-
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 25-07-2018 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 Sections 272 & 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

70 liters of country made liquor is said to have been recovered from the bank of Gandak river allegedly brought there by one Amarjet Yadav from the boat. Petitioner and one another accused person had arrived there to purchase the aforesaid liquor on motorcycle and the petitioner was apprehended and another accused person managed to escape.

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 the place of recovery or any vehicle in question. The place of recovery is an open place and easily accessible to anyone. He has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence to attend the call of nature. He has no criminal antecedent and has been languishing in custody since 08.06.2018.

In the facts and circumstances of the case, 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 Additional Distirct and Sessions Judge-2nd -cum-Special Judge Excise Act, Gopalganj in connection with Yadopur P.S. Case No. 47 of 2018.

(Prakash Chandra Jaiswal, J)

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