

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49734 of 2018

Arising Out of PS.Case No. -226 Year- 2018 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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Jafar Khan Son of Sikandar Khan, resident of village- Dumri, P.S.-
Durgawati, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth

For the Opposite Party/s : Mrs. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 13-08-2018 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 Sections 30 (a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

397 liters of foreign liquor is said to have been recovered from the Bolero parked in the premises of the Eqbal Quraishi and two persons standing near vehicle in watch including the petitioner were apprehended while other 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 with the seized liquor or vehicle in the question or the place of recovery.



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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 offer Namaj in the mosque. The seizure list does not bear the signature of the petitioner. There is violation of 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 14.06.2018.

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 Special Judge, Kaimur at Bhabhua, in connection with Excise Case No. 554 of 2018 arising out of Durgawati P.S. Case No. 226 of 2018.

(Prakash Chandra Jaiswal, J)

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