

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48023 of 2018

Arising Out of PS.Case No. -95 Year- 2018 Thana -WARISNAGAR District- SAMASTIPUR

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1. Sikandar Mahto @ Sikandar Kumar @ Sikindar Mahto Son of Hanuman Mahto Resident of Village - Matuaa, Police Station - Warisnagar, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 07-08-2018 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 273 of the Indian Penal Code and Sections 38, 41 and 30 (a) of the Bihar Prohibition and Excise Act, 2016.

97.200 liters of foreign liquor is said to have been recovered from the Maruti-800 car and two accused persons, namely Ritik Raushan and Rajan Kumar were apprehended while others managed to escape. Apprehended accused disclosed the name of the petitioner as one of their fleeing accomplices.

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 car in question. He was not apprehended on the spot. He has been falsely implicated in this case by the apprehended accused. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the aforesaid disclosure of the apprehended accused. Similarly situated co-accused, namely, Dilip Mahto has been enlarged on bail by this Court in Cr. Misc. No. 47835 of 2018 vide order dated 06.08.2018. He has no criminal antecedent and has been languishing in custody since 02.07.2018.

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 6th Additional Sessions Judge-cum-Special Judge Excise Act, Samasatipur in connection with Warisnagar P.S. Case No. 95 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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