

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47883 of 2018

Arising Out of PS.Case No. -313 Year- 2017 Thana -RAJNAGAR District- MADHUBANI

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1. Umesh Mahto S/o Late Bhola Mahto, R/o Vill.- Rampatti, P.S.- Rajnagar,
District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 06-08-2018 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 272 & 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

351 liters of Nepali saufi wine is said to have been recovered from the orchard of Murari Jha which is said to have been kept there by the petitioner.

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 trade of liquor. Place of recovery is an open place and easily accessible to



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anyone. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. Though one more case under the Excise Act has been lodged against the petitioner but he is on bail in the said case. He has been languishing in custody since 30.06.2018.

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 District and Sessions Judge 2nd -cum-Special Judge Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 313 of 2017 (G.R. No. 1012 of 2017).

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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