

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51982 of 2018

Arising Out of PS.Case No. -235 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN (MOTIHARI)

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Birju Mahto, S/o. Birju Mahto, S/o. Late Darbari Mahto, R/o. Village-
Telhara, P.S.- Kundwa Chainpur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 24-08-2018 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.

18.00 litres of Nepali saufi wine is said to have been
recovered from the possession of 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
with the seized liquor. He has been falsely implicated in this case
by the personnel of Excise department merely on suspicion while
he was passing through the place of occurrence at the time of



occurrence while the real culprit managed to escape dumping the aforesaid liquor there seeing them. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 19.05.2018.

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, Motihari in connection with Excise Case No. 235 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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