

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48666 of 2018

Arising Out of PS.Case No. -76 Year- 2018 Thana -ROSHANGAANJ District- GAYA

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Nand Kumar Paswan, Son of Jagdish Paswan, Resident of Village-
Dhaneta, P.S.- Raushanganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 09-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 272 and 273 of the Indian Penal
Code and Section 30(a)(c)(d) of the Bihar Prohibition and Excise
Act, 2016.

6 litres of country made liquor, 20 Kg Mahua and 20
Kg jaggery are said to have been recovered from the brewing
place and one accused namely Laxman Chaudhary was
apprehended while other accused managed to escape.
Apprehended accused disclosed the name of the petitioner as one
of his fleeing accomplices in the occurrence.

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 article or with place of recovery or any activity of brewing liquor. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure made by the apprehended accused, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 30.06.2018. Similarly situated co-accused, namely, Ashish Bhuinya has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 12.07.2018 passed in Cr. Misc. No. 39556 of 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 Act, Gaya in connection with Roushanganj P.S. Case No. 76 of 2018.

(Prakash Chandra Jaiswal, J)

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