

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48210 of 2018

Arising Out of PS.Case No. -154 Year- 2018 Thana -SHRIKRISHNAPURI District- PATNA

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1. Rupesh Kumar Son of Shri Pramod Kumar R/o Village - Noama, P.S. Sakurabad, District Jehanabad At present New Patliputra Colony, Renter of Mehta Niwas, P.S. - Patliputra, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramanath Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 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 Sections 30 (a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

24 liters of foreign liquor is said to have been recovered from the tenanted room of the petitioner and two other persons, namely, Gauraw Kumar and Dipak Kumar and they were apprehended including the petitioner while other accused managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious



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physical possession of the petitioner. He has no concern with the seized liquor. The said room is in joint occupation of the petitioner and two apprehended accused persons and the petitioner had no knowledge of keeping of the said liquor in the room by the rest accused persons. He has been falsely implicated in this case at the instance of his enemy. He has no criminal antecedent and has been languishing in custody since 21.06.2018. The said apprehended accused, namely, Gauraw Kumar and Dipak Kumar have been enlarged on bail by this Court in Cr. Misc. No.46270 of 2018 vide order dated 31.07.2018.

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 Special Judge Excise Act, Patna in connection with Shri Krishnapuri P.S. Case No. 154 of 2018, Special Case No. 5662 of 2018.

(Prakash Chandra Jaiswal, J)

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