

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47114 of 2018

Arising Out of PS.Case No. -185 Year- 2018 Thana -BYPASS District- PATNA

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1. Om Prakash Son of late Prem Mahto Resident of Mohalla- Hasanpur
Chai Tola Bhikhna Pahari, P.S. Kadamkuan, Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 02-08-2018 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 420/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

124.740 liters of foreign liquor is said to have been recovered from the Tempo of Pappu Sah and from behind the house of Shrawan Rai. Said Pappu Sah divulged that the aforesaid liquor was to be delivered to the petitioner and on the basis of his confessional statement, the petitioner was apprehended.

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 with the vehicle in question or with any trade of liquor. He has been falsely implicated in this case at the instance of Pappu Sah due to animosity. There is nothing on record indicating the complicity of the petitioner barring the confessional statement of Pappu Sah which has no evidentiary value in the eye of law. He was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 22.06.2018.

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 Special Judge Excise Act, Patna in connection with Special Case No. 5704 of 2018 (Arising out of Bypass P.S. Case No. 185 of 2018).

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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