

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49966 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- DUMRA District- Sitamarhi

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Lalan Rai S/o Musafir Rai, R/o Vill.- Barari, P.S.- Sitamarhi (Punaura O.P.),
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar
For the Opposite Party/s : Mr. Anil Prasad Singh

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

ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Dumra
P.S. Case no. 254 of 2018 registered for the offence punishable
under Sections 272, 273 of I.P.C. and Section 30(A) of the Bihar
Prohibition and Excise Act, 2016.

55.500 lts. of foreign liquor is said to have been
recovered from the public toilet which is said to be kept there by
the petitioner and co-accused Guddu Nat, and they were
apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or with the place of recovery. The place of recovery is public place and easily accessible to public at large. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended from the place of occurrence rather from the market. The seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 07.07.2018. Co-accused, namely, Guddu Nat has been enlarged on bail by this Court vide order dated 08.08.2018 passed in Cr. Misc. no. 48292 of 2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Dumra P.S. Case no. 254 of 2018.

(Prakash Chandra Jaiswal, J)

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