

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49888 of 2018

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Ajay Kumar @ Nagendra Kumar, son of Arbind Prasad, resident of village
Bhagwanpur (Dewar Shopi), P.S. Fatuwah, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Akhileshwar Dayal

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

ORAL ORDER

02 13-08-2018 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.

85 liters of country made liquor is said to have been
recovered from the motorcycle being transported by three accused
persons. Out of them two managed to escape while 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 motorcycle in question. He has been
falsely implicated in this case by the police because he refused to



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become seizure list witness of the seizure of the aforesaid liquor and the real culprit managed to escape dumping the aforesaid liquor laden motorcycle there seeing the police personnel. There is violation of 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 15.06.2018.

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 Gaurichak P.S. Case No. 183 of 2018.

(Prakash Chandra Jaiswal, J)

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