

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49509 of 2018

Arising Out of PS.Case No. -99 Year- 2018 Thana -PIYAR District- MUZAFFARPUR

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Sudhanshu Kumar @ Moti, S/o. late Ram Lalit singh, R/o. Village-
Sundarpur Ratwara, P.S. Piar, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Arun Kumar

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

02 10-08-2018 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 272, 273, 120(B) and 414 of the Indian Penal Code and Sections 30 (a), 35(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

247.5 liters of foreign liquor is said to have been recovered from the Fortuner vehicle and tractor which was unloaded from a truck parked at the door of the petitioner and four accused persons were apprehended in course of escaping from the aforesaid place while others managed to escape and from the possession of the one of the apprehended accused Kuldeep Singh, a cash of Rs.1,87,000/- was recovered.

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 the vehicles in question or any trade of liquor. He has been falsely implicated in this case by the police merely on suspicion as the vehicles were parked at his door. He was not apprehended on the spot rather from his house on 03.07.2018. Though three more cases under the Excise Act have been lodged against the petitioner but he is on bail in the two out of aforesaid cases. Similarly situated co-accused, namely, Kuldeep Singh @ Kuldeep, Birendra Singh and Surendra Dhillan have been enlarged on bail by this Court in Cr. Misc. No.47605 of 2018 vide order dated 07.08.2018. He has been languishing in custody since 03.07.2018.

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, Muzaffarpur in connection with Piar P.S. Case No. 99 of 2018.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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