

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50625 of 2018

Arising Out of PS.Case No. -139 Year- 2018 Thana -SAMSTIPUR RAIL P.S District-
SAMASTIPUR

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Shiv Kumar Yadav, Son of Late Ram Narayan Yadav, resident of village –
Sbhaipur, Ward No. 15, Police Station – Hasanpur, District – Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 18-08-2018

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), 35(a), 38(i)(ii), 41(i)(ii)
and 47 of the Bihar Prohibition and Excise Act, 2016.

19.125 litres of foreign liquor is said to have been
recovered from the motorcycle and two persons namely Aditya
Kumar @ Tinkal and Chandravir Prasad Bikram sitting on the said
motorcycle were apprehended. Petitioner who was interacting with
the aforesaid accused persons at the place of occurrence was also
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 with the seized liquor. He has been falsely implicated in the case by the police merely on suspicion while he was passing through the place of occurrence and motorcycle riders intercepting him on the way enquired about the way to his destination. Seizure list does not bear the signature of the petitioner. He has no criminal antecedent. He has been languishing in custody since 20.07.2018.

Considering the facts aforesaid, 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 Addl. Sessions Judge-VI cum Special Judge, Excise Act, Samastipur in connection with Samastipur (Rail) P.S. Case No. 139 of 2018.

(Prakash Chandra Jaiswal, J)

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