

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50130 of 2018

Arising Out of PS.Case No. -295 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District -
EASTCHAMPARAN (MOTIHARI)

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Tahir Mian S/o late Farman Mian of vill. - Chamhi, P.S. - Shikarganj, Dist
East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. SSP, through the Asst. Commandant, 20Bn., SSB Sitamarhi, Dhaka
Circle, Dist - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar
For the Union of India : Mr. Rakesh Kumar Sinha
For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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

2 14-08-2018 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.

12 liters of Neapali saufi wine is said to have been
recovered from the cycle of the petitioner and 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 the cycle in question. He has been falsely implicated in this by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence. The real culprit managed to escape leaving the aforesaid liquor laden cycle seeing the personnel of Excise Department. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 28.06.2018.

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, Motihari, East Champaran in connection with Excise Case No. 295 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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