

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52143 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -BAUSI District- PURNIA

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Roshan Yadav @ Roshan Kumar Yadav @ Roshan Kumar S/o Pradeep
Yadav @ Pradeep Kumar Yadav, R/o Vill.- Malharia, P.S.- Kasba, District-
Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 28-08-2018 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 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

186.840 litres of foreign liquor is said to have been
recovered from the Scorpio and its driver, namely Sittu Kumar
was apprehended and another accused, namely, Anil Kumar
managed to escape. The driver of the said Scorpio divulged the
name of the petitioner as his fleeing accomplice in the occurrence.

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 with the vehicle in question. He has been falsely implicated in the case by the driver due to animosity. He was not apprehended on the spot. Barring the aforesaid disclosure of the apprehended accused there is nothing on record to indicate the complicity of the petitioner in the occurrence. Though one more criminal case under the Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 23.07.2018. Aforesaid Sittu Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 02.05.2018 passed in Cr. Misc. No. 18702.

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 2nd Additional Sessions Judge cum Special Judge, Excise, Purnea in connection with Baisi P.S. Case No. 44 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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