

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52113 of 2018**

Arising Out of PS. Case No.-126 Year-2018 Thana- RAFIGANJ District- Aurangabad

Munna Sharma @ Dharmendra Kumar Son of Vindeshwar Sharma @  
Vindeshwar Mistry Resident of Village-Abdulpur, Tiwari Bigha, P.S.-  
Rafiganj, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Leelawati Kumari  
For the Opposite Party/s : Mr. Ram Bachan Singh

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

ORAL ORDER

2     29-08-2018                      Heard learned counsel for the petitioner and  
learned APP for the State.

The petitioner seeks bail in connection with Rafiganj  
P.S. Case no. 126 of 2018 registered for the offence punishable  
under Sections 30(a), 30(Gh) of the Bihar Prohibition and  
Excise Act, 2016.

35 Kg. Mahua flower and 4 lts. of country made  
liquor are said to have been recovered from the possession of  
the petitioner.

It is submitted by learned counsel for the petitioner  
that no incriminating article has been recovered from conscious  
physical possession of the petitioner. He has no concern with  
the seized articles. He has been falsely implicated in this case



by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence and real culprits managed to escape dumping the aforesaid articles there seeing the police personnel. There is no compliance of Section 100 Cr.P.C. Though, one more case under Excise Act has been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 13.07.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII-cum-Special Judge, Excise Act, Aurangabad in connection with Rafiganj P.S. Case no. 126 of 2018.

**(Prakash Chandra Jaiswal, J)**

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