

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52095 of 2018

Arising Out of PS. Case No.-708 Year-2017 Thana- MOHANIYA District- Bhabhua (Kaimur)

Ram Pravesh Choubey S/o Golu Choubey, R/o Vill.- Sotawan, P.S.- Kudhani,
District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Smt. Nirmala Kumari

**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 connection with
Mohania P.S. Case No. 708 of 2017 registered for the offence
punishable Sections 30(a) and 38 of Bihar Prohibition Excise
Act, 2016.

Huge quantity of foreign liquor is said to have been
recovered from the motorcycle and dickey of the Tata Zest car
hailing to Nand Lal Jaiswal and said Nand Lal Jaiswal was
apprehended and owner of the motorcycle managed to escape.
Said Nand Lal Jaiswal disclosed the name of the petitioner as
his accomplice in the occurrence.

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 either with the seized liquor or with the vehicles in question or with any trade of liquor. He was not apprehended on the spot. He has been falsely implicated in this case by said Nand Lal Jaiswal due to animosity. Barring the aforesaid disclosure of Nand Lal Jaiswal, there is nothing on the record indicating the complicity of the petitioner in the occurrence. Though, two more cases under Excise Act have been lodged against the petitioner, but he is on bail in the said cases. He has been languishing in custody since 24.07.2018 and aforesaid Nand Lal Jaiswal has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 17.02.2018 passed in Cr. Misc. no. 8898 of 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 court of Special Judge, Excise Act, Kaimur at Bhabua in connection with Mohania P.S. Case No. 708 of 2017.

(Prakash Chandra Jaiswal, J)

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