

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49605 of 2018

Arising Out of PS.Case No. -427 Year- 2018 Thana -BARACHATTI District- GAYA

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Binod Kumar S/o Munshi Mahto @ Munshi Prasad, R/o Vill.- Baghalati,
P.S.- Mohanpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Ashok Kumar

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

ORAL ORDER

2 13-08-2018 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 (D) of the Bihar Prohibition and Excise Act, 2016.

50 Kg. of mahua flower kept in the plastic bag is said to have been recovered from the tempo and the 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 with the seized article. He happens to be a simple commuter and had no knowledge of keeping of the aforesaid plastic bag containing



liquor in the said tempo by another commuter. The real culprit managed to escape leaving the aforesaid article there seeing the police. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 27.06.2018.

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, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 427 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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