

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53543 of 2018

Arising Out of PS. Case No.-226 Year-2018 Thana- DURGAWATI District- Bhabhua
(Kaimur)

Ekbal Quraishi @ Tathu Quraishi, S/o Late Sahid Quraishi, R/o Vill-Dumri,
P.S. Durgawati, District-Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth
For the Opposite Party/s : Md. Nazir Ansari

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

ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Durgawati P.S. Case no. 226 of 2018 registered for the offence
punishable under Sections 30(a), 35, 38 of the Bihar Prohibition
and Excise Act, 2016.

397.440 lts. of foreign liquor is said to have been
recovered from Bolero vehicle and petitioner and one other
person standing near the vehicle in watch were apprehended
while one other accused, who is said to be owner of the said
vehicle managed to escape.

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 vehicle in question. 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 to offer *Namaz* in mosque as he is having his house in the vicinity of the place of occurrence. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 14.06.2018. Similarly situated co-accused, namely, Jafar Khan has been enlarged on bail by this Court vide order dated 13.08.2018 passed in Cr. Misc. no. 49734 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 Special Judge, Excise Act, Kaimur at Bhabhua in connection with Durgawati P.S. Case no. 226 of 2018.

(Prakash Chandra Jaiswal, J)

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