

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53210 of 2018

Arising Out of PS.Case No. -219 Year- 2018 Thana -GHORASAHAN District-
EASTCHAMPARAN (MOTIHARI)

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Omkar Jaiswal son of Ramdeo Prasad, resident of Village- Adarsh Nagar,
P.S.- Ghorasahan, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Bisheshwar Ram

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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 a case registered for the
offence punishable under Sections 272, 273, 414, 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

18 litres of Nepali saufi wine is said to have been
recovered from the house of the petitioner at the instance of the
co-accused, namely, Arkesh Giri.

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 any trade of liquor. He has been



falsely implicated in the case at the instance of his enemy. The house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. He has been languishing in custody since 30.07.2018. Though two more criminal cases under the Excise Act have been lodged against the petitioner, but he is on bail in the aforesaid cases.

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 Special Judge, Excise, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 219 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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