

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53164 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -BEUR District- PATNA

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Binesh Kumar @ Badal, Son of Late Lauki Rai, Resident of Village-
Paithani Nathupur, P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyank Deepak

For the Opposite Party/s : Mr. Akbar Ali

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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 and 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

466.25 litres of foreign liquor is said to have been
recovered from the Nano Car and Tempo parked near the bush and
four persons named in the F.I.R. were apprehended and
motorcycle of the petitioner parked near the place of occurrence
was seized.

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 with the vehicles in question or place of recovery or any trade of liquor. Though the motorcycle parked near the place of occurrence is hailing to the petitioner but he had given it to its co-villager for plying the same and he had no knowledge of parking his motorcycle at the place of occurrence by his co-villager. He has been falsely implicated in the case at the instance of his enemy. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 19.07.2018.

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, Patna in connection with Beur P.S. Case No. 105 of 2017.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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