

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53613 of 2018

Arising Out of PS.Case No. -175 Year- 2018 Thana -PANCHRUKHI District- SIWAN

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Anil Mahto S/o Rudal Mahto R/o Village- Jasauli, P.S. Pachrukhi, District-
Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Rajendra Nath Jha

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**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 a case registered for the
offence punishable under Sections 272, 273, 308 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Two accused persons said to have been carrying 4
litres of country made liquor on the motorcycle and one was
interacting with them standing on the road and seeing the police
personnel two accused managed to escape while Gopal Sah was
apprehended and he disclosed the name of the petitioner as fleeing
accomplice and liquor was seized from the motorcycle.

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 motorcycle in question. Apprehended accused falsely implicated the petitioner in the occurrence due to animosity. Barring the aforesaid disclosure of the apprehended accused there is nothing on record to indicate the complicity of the petitioner in the occurrence. He was not apprehended on the spot. Though one more criminal case under the Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 09.07.2018.

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 Additional District and Sessions Judge- II cum Special Judge, Excise, Siwan in connection with Pachrukhi P.S. Case No. 175 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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