

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54021 of 2018

Arising Out of PS.Case No. -390 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District -
SITAMARHI

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Naresh Yadav, Son of Late Rajendra Yadav, resident of village – Shivnagar,
Ward No. 7, P.S.-Bairgania, District – Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 31-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

96 litres of Nepali saufi wine is said to have been
recovered from the joint possession of the petitioner and one other
accused namely Jitendra Ram.

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 liquor. He has been falsely implicated in the case
by the personnel of Excise department merely on suspicion while



he was passing through the place of occurrence at the time of occurrence and real culprit managed to escape dumping the aforesaid liquor there seeing them. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 26.07.2018.

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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/390/18.

(Prakash Chandra Jaiswal, J)

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