

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56744 of 2018

Arising Out of PS.Case No. -147 Year- 2018 Thana -MAHISHI District- SAHARSA

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Md. Ibrahim, S/o Md. Aainul, R/o Vill.- Bariyahi Bazar, P.S.- Bangaon,
Distt.- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 28-09-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Special (Excise) Case No. 345 of 2018 arising out of Mahishi (Jalai O.P.) P.S. Case No. 147 of 2018, instituted for the offence under Sections 30A, 38(i), 41(i) of Bihar Prohibition and Excise Act, 2016.

Counsel for the petitioner submits that petitioner has clean antecedent.

It is alleged in the written report that informant on getting information about arrival of heavy quantity of illicit liquor on 12 wheeler truck, rushed there and recovered 186 cartons, each containing 48 bottles of 180 ml. and other 186 cartons each containing 24 bottles of 375 ml. total 3281.040 ml. Royal stag Whisky from the aforesaid truck. Seizure list was prepared. The arrested driver disclosed that one Kasim has loaded



the said liquors on the truck and he gave Mobile No. 8873482947 of Md. Arsad, Mobile No. 7004037780 of Md. Ecrumul, Mobile No. 9056120048 of Md. Sahid, and Mobile No. 9065118136 of Md. Ibrahim (petitioner) and others, saying that those were to be delivered to them at Saharsa.

In this manner, besides aforesaid statement of driver of the truck, there is no allegation of any overt act against the petitioner.

Petitioner is in custody since 8.7.2018. There is no recovery from his possession.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Saharsa, in connection with Special (Excise) Case No. 345 of 2018 arising out of Mahishi (Jalai O.P.) P.S. Case No. 147 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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