

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41968 of 2018

Arising Out of PS.Case No. -197 Year- 2014 Thana -BIHTA District- PATNA

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1. Dharmu Yadav aged about 38, S/o Late Sarwa Rai, R/o Taregna, P.S.-
Bihta, District- Patna. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

04 30-07-2018 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, 290, 420 and 353/34 of the Indian Penal Code, Section 47 (a) and 48 of the Old Excise Act and Section 27 of the Arms Act.

50 liters of country made liquor and 150 kgs. of Jawa Mahua is said to have been recovered from the bank of Sone river and two accused persons, namely, Ambika Yadav and Praveen Yadav were apprehended who disclosed the name of the petitioner and other accused persons as the brewer of the said liquor.

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 the place of recovery or any activity of brewing liquor. He was not apprehended on the spot. He has been falsely implicated in this case on the disclosure made by the apprehended accused persons due to ulterior motive. Barring the aforesaid disclosure, there is nothing on record indicating the complicity of the petitioner in the occurrence. The seizure list does not bear the signature of the petitioner. He has been languishing in custody since 24.07.2015.

In the facts and circumstances of the case, 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 Bihta P.S. Case No.197 of 2014, Special Case No.1042 (A) of 2018.

(Prakash Chandra Jaiswal, J)

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