

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41954 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -TIYAR District- BHOJPUR

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1. Md. Muslim S/o Late Shamsuddin, R/o Vill.- Aaraila, P.S.- Tiyar, District-
Bhojpur. Petitioner.

Versus

1. The State of Bihar. Opposite Party.

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Appearance :

For the Petitioner/s : Mrs. Zakia Ozair, Adv.
Md. Naushad, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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

ORAL ORDER

04 24-08-2018 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 413, 414 and 120(b) of the Indian Penal Code and Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

1326 liters of foreign liquor is said to have been recovered from the godown of the petitioner and the petitioner managed to escape.

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 this case at the instance of his enemy. The godown of the petitioner is of the stretch of



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one acre and is visited by several persons including the staffs and traders in order to keep their article in the said godown and petitioner had no knowledge of keeping the aforesaid liquor in his godown by someone. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. Though three more cases under the Excise Act have been lodged against the petitioner but he is on bail in the aforesaid cases. He has been languishing in custody since 18.04.2018.

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 Additional District Judge-IV, Bhojpur, Ara in connection with Tiwar P.S. Case No. 19 of 2018, Excise Case No. 657 of 2018.

(Prakash Chandra Jaiswal, J)

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