

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34869 of 2018

Arising Out of PS.Case No. -76 Year- 2018 Thana -KARAKAT District- SASARAM (ROHTAS)

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Baleshwar Singh, Son of Lal Mohar Singh, Resident of Village- Bharat Kasba, P.S.- Karakat, District- Rohtas

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 16-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

86.4 litres of foreign liquor is said to have been recovered from the Maruti car and the petitioner sitting in the said vehicle was apprehended. From possession of the petitioner, one country made pistol and four live cartridges were recovered.

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 article. He has been falsely implicated in the case



by the police at the instance of his enemies. He happens to be simple commuter of the vehicle in question and was travelling in it without any knowledge of keeping of the liquor in the said vehicle. No arms and ammunition has been recovered from his possession. There is violation of Section 100 Cr.P.C. Regarding recovery of the said arms and ammunition, another case bearing Karakat P.S. Case No. 77 of 2018 has been lodged against the petitioner. Barring the aforesaid Arms Act case, no other case has been lodged against the petitioner. He has been languishing in custody since 07.04.2018.

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 2nd Addl. Sessions Judge cum Special Judge, Excise, Rohtas, Sasaram in connection with Karakat P.S. Case No. 76 of 2018.

(Prakash Chandra Jaiswal, J)

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