

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49863 of 2018

Arising Out of PS.Case No. -360 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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Mithilesh Kumar, son of Bhutari Mahto, resident of Village- Kanhauli, P.S.-
Kanhali, 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. Anil Prasad Singh

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

3 23-08-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

200.100 litres of Nepali saufi wine is said to have
been recovered from the possession of the petitioner.

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
by the personnel of Excise Department merely on suspicion while



he was passing through the place of occurrence at the time of occurrence. The real culprit managed to escape dumping the aforesaid liquor there seeing the personnel of Excise Department. The seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 08.07.2018.

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. C2-360 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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