

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2735 of 2018**

Arising Out of PS.Case No. -92 Year- 2017 Thana -BUXAR RAIL P.S. District- BHOJPUR

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Subham Kumar, Son of Dinesh Prasad Sav, Resident of Mohalla-  
Khusrupur, P.S.- Khusrupur, District- Patna.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate.  
Mr. Ashish Kumar Ranjan, Advocate.  
For the Opposite Party/s : Mr. Dashrath Mehta, APP.

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

2      23-01-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in Buxar Rail P.S. Case No.  
92 of 2017 registered under Section 30(a) of the Bihar Excise  
Amendment Act, 2016.

29 litres of foreign liquor is said to have been  
recovered from the possession of the petitioner at the platform of  
Buxar Railway Station.

It is submitted by learned counsel for the petitioner  
that no incriminating article has been recovered from conscious  
physical possession of the petitioner. As a matter of fact, the  
petitioner was travelling on the train as a bonafide passenger and



when alighted at the platform of Buxar Railway Station, the police demanded illegal graft from him and on failure to cough up his demand, he has falsely implicated the petitioner in the case planting recovery of the liquor from his possession. The petitioner has no criminal antecedent. The petitioner has been languishing in custody since 09.12.2017.

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 learned 4<sup>th</sup> ADJ-cum-Spl. Judge (Excise), Ara in connection with Buxar Rail P.S. Case No. 92 of 2017.

**(Prakash Chandra Jaiswal, J)**

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