

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25315 of 2018

Arising Out of PS.Case No. -702 Year- 2016 Thana -ARARIA District- ARRARIA

=====

Md. Janisar Akhtar @ Janisar Akhtar, S/o Late Iliyas Ansari, resident of
Village- Hathkala Nayabasti, P.S. Islampur, District- Uttar Dinajpur (West
Bengal).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 02-05-2018 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 and 273/34 of the Indian
Penal Code and Sections 30 and 38 of the Bihar Prohibition and
Excise Act, 2016.

117 litres of foreign liquor and 48 litres of beer are
said to have been recovered from the Tata Magic vehicle and
accused Vijay Sah was apprehended while one other accused
managed to escape. Apprehended accused disclosed the name of
the petitioner as driver of the said vehicle as his fleeing
accomplices.



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 with the vehicle in question. He does not happen to be driver of the said vehicle. He has been falsely implicated in the case by said Vijay Sah due to animosity. He was not apprehended on the spot. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 06.11.2017. Said Vijay Sah has been enlarged on bail by this court vide order dated 03.07.2017 passed in Cr. Misc. No. 28923 of 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 the learned Addl. District Judge-2 in connection with Araria P.S. Case No. 702 of 2016, G.R. No. 3457 of 2016.

(Prakash Chandra Jaiswal, J)

Mishra/-

U		T	
---	--	---	--

