

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35636 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -ALINAGAR District- DARBHANGA

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1. Gopal Mahto, Son of Late Yadu Mahto, resident of Village- Chakka,
Police Station- Manigachhi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Sri Umesh Lal Verma

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

02 28-06-2018 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, 273 and 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

143 liters of foreign liquor is said to have been recovered from the 'Bathan' of the petitioner and petitioner was apprehended.

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 the place of recovery. The 'Bathan' is an open place and easily accessible to anyone. He has been falsely



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implicated in this case at the instance of his enemy. Petitioner happens to be 73 years old person. He has no criminal antecedent and has been languishing in custody since 09.04.2018.

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 Sessions Judge-IV-cum-Special Judge Darbhanga in connection with G.O Case No.344 of 2018 arising out of Alinagar P.S. Case No. 34 of 2018.

(Prakash Chandra Jaiswal, J)

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