

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37805 of 2018

Arising Out of PS. Case No.-289 Year-2018 Thana- BIHTA District- Patna

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Pappu Kumar S/o Budhadeo Rai, R/o Vill.- Daulatpur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh
For the Opposite Party/s : Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 19-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Bihta P.S.
Case No. 289 of 2018 registered under Sections 30(a), 37(b) of
the Bihar Prohibition and Excise Act-2016.

50 lts. of country made liquor is said to have been
recovered from open land located towards south of Railway
track in village Daulatpur and petitioner was apprehended in the
course of escaping while another accused, namely, Prem Jyoti
Kumar was apprehended in the course of brewing the liquor.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or with the place of recovery. Place of recovery is open place. He has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence. Seizure list does not bear the signature of the petitioner. Though, one more criminal case has been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 23.03.2018. Said Prem Jyoti Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 31.05.2018 passed in Cr. Misc. no. 31683 of 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 Special Judge (Excise), Patna in connection with Bihta P.S. Case No. 289 of 2018.

(Prakash Chandra Jaiswal, J)

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