

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38754 of 2018

Arising Out of PS.Case No. -36 Year- 2018 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Dablu Kumar Son of Shri Vijay Prasad Resident of Mohalla- Narayan
Chuan, P.S.- Vishnupad, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankjesh Sharma

For the Opposite Party/s : Smt Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 03-07-2018 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 30 (a), 38(1) (2) and 41 (1) of the Bihar Prohibition and Excise Act, 2016.

36 liters of foreign liquor is said to have been recovered from the cartoon kept on the Motorcycle of the petitioner and the petitioner managed to escape seeing the police party.

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 was not apprehended on the spot. As a matter of fact, the aforesaid Motorcycle was earlier hailing to Ajit Kumar



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who had sold it out to petitioner and petitioner handed it over to one Bittu Kumar for plying the same and he had no knowledge of use of the said Motorcycle by the said Bittu Kumar in the aforesaid misdeed. He has been falsely implicated in this case due to dirty village politics. He has no criminal antecedent and has been languishing in custody since 29.05.2018.

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, Gaya in connection with Magadh Medical P.S. Case No.36 of 2018.

(Prakash Chandra Jaiswal, J)

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