

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42993 of 2018

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1. Rohit Kumar S/o Sunil Prasad, R/o Vill.- Tari Mohalla, P.S.- Ara Town,
District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 17-07-2018 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 Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

34.560 liters of foreign liquor is said to have been
recovered from the mango orchard of Baldeo Sah and petitioner
was apprehended while two other accused persons managed to
escape.

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 place of



recovery is an open place and easily accessible to anyone. There is violation of Section 100 Cr.P.C. He has been falsely implicated in this case while the real culprit managed to escape dumping the aforesaid liquor there seeing the police party. He has no criminal antecedent and has been languishing in custody since 10.05.2018.

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, Bhojpur at Ara in connection with Ara Muffasil (Dhobhan O.P.) P.S. Case No.143 of 2018, Excise Case No.794 of 2018.

(Prakash Chandra Jaiswal, J)

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