

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46803 of 2018

Arising Out of PS.Case No. -162 Year- 2017 Thana -FATEHPUR District- GAYA

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Nago @ Nageshwar Bhuiyan, S/o. Late Ram Lal Bhuiyan @ Ram Nath Bhuiyan, R/o. Village- Parsatri, P.S.- Chauparan, District- Hazaribagh (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. MD. Ashlam Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 01-08-2018 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 & 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

75 liters of country made liquor is said to have been recovered from the motorcycle and co-accused, namely, Surendra Mistry was apprehended and petitioner managed to escape. Apprehended accused named the petitioner in the occurrence.

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 motorcycle in question. He has been



falsely implicated in this case by the apprehended accused due to animosity. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the aforesaid disclosure of the apprehended accused which has no evidentiary value in the eye of law. Petitioner was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 27.04.2018.

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 Special Judge Excise Act, Gaya in connection with Fatehpur P.S. Case No. 162 of 2017.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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