

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45778 of 2018

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Mithu Kumar, Son of Sachin Sah, Resident of Village- Murliganj, Ward
No. 2. P.S.- Murliganj, District- Madhepura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Wasi Ahmad Khan, Adv.

For the Opposite Party : Mr. Manish Kumar 2, APP.

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

ORAL ORDER

02 27-07-2018 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.

8 liters of Nepali wine is said to have been recovered from
the possession of the petitioner and Akash Kumar.

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 has been falsely implicated in this case at the
instance of his enemy by planting the aforesaid recovery from his
possession. There is violation of Section 100
Cr.P.C. Similarly situated co-accused, namely, Aakash Kumar has



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been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No.42902 of 2018 vide order dated 17.07.2018. He has no criminal antecedent and has been languishing in custody since 18.05.2018.

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 Additional District Judge-II, Madhepura in connection with Murliganj P.S. Case No.163 of 2018 (Excise Case No. 100 of 2018).

(Prakash Chandra Jaiswal, J)

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