

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46203 of 2018

Arising Out of PS. Case No.-141 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Rama Kant Mahto S/o Bishwanath Mahto, R/o Harpur Rajokhar, P.S.- Town
Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

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

ORAL ORDER

3 31-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Excise
Case no. 141 of 2018 registered under Section 30(a) of Bihar
Prohibition and Excise Act-2016.

172.80 lts. of foreign liquor is said to have been
recovered from *Bandhar* and petitioner was apprehended in the
course of escaping from the said place 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 conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or with the place of recovery. The place



of recovery is open place and easily accessible to anyone. He has been falsely implicated in this case by the police merely on suspicion while he had gone to attend the call of nature there at the time of occurrence and real culprits managed to escape dumping the aforesaid liquor there seeing police personnel. There is no compliance of Section 100 Cr.P.C. Though, two more cases under Excise Act have been lodged against the petitioner, but he is on bail in the said cases. He has been languishing in custody since 27.06.2018.

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 Addl. Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Excise Case no. 141 of 2018.

(Prakash Chandra Jaiswal, J)

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