

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48055 of 2018

Arising Out of PS.Case No. -427 Year- 2017 Thana -PATLIPUTRA District- PATNA

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Pintu Singh @ Brajesh Singh @ Brajesh Kr. Singh, S/o Bhim Prasad Singh,
R/o Naya Bazar, P.S.- Sadar, District- Saharsa, at present Flat No.-204,
Wazir Appartment, New Patliputra Colony, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma

For the Opposite Party/s : Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 07-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 419, 420, 467, 468, 471 and
120B of the Indian Penal Code and Sections 30(a), 38(1)(2) and
41(1) of the Bihar Prohibition and Excise Act, 2016.

1574 litres of foreign liquor is said to have been
recovered from the container and pickup van and five accused
persons including the driver of the container standing near the
vehicle were apprehended. One apprehended accused namely
Manga Ram divulged the name of co-accused Raj Kumar Sharma
in the occurrence and said Raj Kumar Sharma has 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 with the vehicle in question. He was not apprehended on the spot. He has been falsely implicated in the case by the co-accused Raj Kumar Sharma. Barring the aforesaid disclosure of Raj Kumar Sharma, there is nothing in the record indicating the complicity of the petitioner in the occurrence. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 20.06.2018. Similarly situated co-accused persons have been enlarged on bail by this court and by a co-ordinate bench of this court.

Considering the facts aforesaid, 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 A.D.J.-II cum Special Judge, Excise, Patna in connection with Patiliputra P.S. Case No. 427 of 2017 (Special Case No. 8961 of 2017).

(Prakash Chandra Jaiswal, J)

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