

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48661 of 2018

Arising Out of PS.Case No. -36 Year- 2018 Thana -SIMRIBAZAR District- DARBHANGA

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MD.SABA @ SABA KARIM @ SABA Son of Md. Kalim resident of
village - Khaja Sarai, P.S. Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Krishna Kumar

For the Opposite Party/s : Mr. S. Ehteshamuddin

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

ORAL ORDER

2 09-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under 30(a) of the Bihar Prohibition and
Excise Act, 2016.

200 litres of foreign liquor is said to have been
recovered from the Scorpio and its driver namely Anil Paswan
was apprehended while other accused managed to escape. The
apprehended accused disclosed the name of the petitioner as one
of the owner of the said liquor.

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 vehicle in question. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 28.05.2018. Aforesaid Anil Paswan has been enlarged on bail by a co-ordinate bench of this court vide order dated 12.06.2018 passed in Cr. Misc. No. 32322 of 2018.

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 4th Addl. Sessions Judge cum Special Judge, Darbhanga in connection with Simri P.S. Case No. 36 of 2018 corresponding to G.O. Excise Case No. 306 of 2018.

(Prakash Chandra Jaiswal, J)

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