

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47835 of 2018

Arising Out of PS.Case No. -95 Year- 2018 Thana -WARISNAGAR District- SAMASTIPUR

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Dilip Mahto, S/o. Ram Dayal Mahto, R/o. Village- Paroriya, P.S.-
Warisnagar, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 06-08-2018 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 Section 273 of the Indian Penal Code
and Sections 38, 41 and 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

97.200 liters of foreign liquor is said to have been
recovered from the Maruti Car and two accused persons namely,
Ritik Raushan and Ranjan Kumar were apprehended from the
said vehicle and other accused managed to escape. The
apprehended accused disclosed the name of the petitioner as their
one of the fleeing accomplices.

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 vehicle in question. He has been falsely implicated in this case by the apprehended accused due to animosity. Barring the aforesaid disclosure made by the apprehended accused persons, there is nothing on record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 07.06.2018. Apprehended accused persons, namely, Ritik Raushan and Rajan Kumar have been enlarged on bail by a co-ordinate bench of this Court in Cr. Misc. No. 33657 of 2018 vide order dated 05.06.2018.

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 Additional Sessions Judge 6th -cum-Special Judge Excise Act, Samastipur in connection with Warisnagar P.S. Case No. 95 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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