

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50610 of 2018

Arising Out of PS.Case No. -28 Year- 2018 Thana -PALANWA District- EASTCHAMPARAN
(MOTIHARI)

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Sri Bind, Son of Raghunath Bind, resident of village – Sugaha Satwariya,
P.O.-Sugaha Bhawanipur, P.S.-Kangi, District – West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Apurva Kumar

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 18-08-2018

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 272 and 273 of the Indian Penal
Code and Sections 30 and 30(a) of the Bihar Prohibition and
Excise Act, 2016.

345 litres of Nepali liquor and 120 Kg of Mahua is
said to have been recovered from the vehicle and the petitioner
and one other accused namely Diwakar Kumar Yadav were
apprehended.

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 article or with the vehicle in question. He neither happens to be driver nor owner of the said vehicle. He has been falsely implicated in the case by the police merely on suspicion while he was passing through the place of occurrence and real culprit managed to escape leaving the aforesaid liquor laden vehicle there seeing the police personnel. Seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 02.04.2018. Said Diwakar Kumar Yadav has been enlarged on bail by this court vide order dated 19.06.2018 passed in Cr. Misc. No. 34097 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 Addl. Sessions Judge-IV cum Special Judge, Excise, East Champaran, Motihari in connection with Palanwa P.S. Case No. 28 of 2018.

(Prakash Chandra Jaiswal, J)

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