

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50616 of 2018

Arising Out of PS.Case No. -377 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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Sukhari Mahto, Son of Late Jokhu Mahto, resident of village – Musachak,
Ward No. 7, P.S.-Bairgania, District – Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

81 litres of Nepali saufi wine is said to have been
recovered from the cycle of the petitioner and the petitioner was
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 liquor or cycle in question. He has been
falsely implicated in the case by the police merely on suspicion



while he was passing through the place of occurrence at the time of occurrence and real culprit managed to escape leaving the aforesaid liquor laden cycle there seeing the personnel of Excise department. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 18.07.2018.

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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/377 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

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