

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50918 of 2018

Arising Out of PS.Case No. -434 Year- 2017 Thana -MOTIPUR District- MUZAFFARPUR

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Subodh Bhagat Son of Ramsagar Bhagat @ Ramsager Bhagat, resident of
Village- Baruraj Tole Dakahi, P.S. Baruraj, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza

For the Opposite Party/s : Mr. Surendra Kumar

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

ORAL ORDER

2 20-08-2018 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 30(a), 38(i) and 41 of the Bihar
Prohibition and Excise Act, 2016.

185.4 litres of foreign liquor is said to have been
recovered from the Hundai Car and its driver, namely, Tuntun
Kumar was apprehended, who disclosed that the liquor is hailing
to petitioner and one Arun Rai.

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 any trade of liquor. He has been



falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure of the apprehended accused there is nothing on record to indicate the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has been languishing in custody since 13.07.2018. Similarly situated co-accused, namely, Arun Rai has been enlarged on bail by a co-ordinate bench of this court vide order dated 09.07.2018 passed in Cr. Misc. No. 39305 of 2018 and TunTun Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 17.02.2018 passed in Cr. Misc. No. 6626 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 Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 434 of 2017.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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