

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53985 of 2018

Arising Out of PS.Case No. -252 Year- 2018 Thana -MALSALAMI District- -

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Bhola Rai @ Bhola Yadav, S/o Late Dinanath Ray, R/o Nurdiganj, P.S.-
Malsalami, Distt- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. Murlidhar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 31-08-2018 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 Sections 272, 273 and 34 of the Indian
Penal Code and Sections 30(a) and 38 of the Bihar Prohibition and
Excise Act, 2016.

110 litres of country made liquor is said to have
been recovered from the bush located towards north of the
godown of Ravindra Singh which is said to have been kept there
by the petitioner. Petitioner and other accused managed to escape
who were identified during the course of escaping.

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 with the place of recovery or any trade of liquor. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. He has been falsely implicated in the case at the instance of his enemy. He has no criminal antecedent. He has been languishing in custody since 08.07.2018.

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 Special Judge, Excise, Patna in connection with Malsalami P.S. Case No. 252 of 2018, special Case No. 6203 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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