

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24070 of 2018

Arising Out of PS. Case No.-223 Year-2017 Thana- WARISNAGAR District- Samastipur

Md. Kadir @ Md. Abdul Kadir @ Abdul Kadir @ Mohammad Kadir, Son of Abdul Rahman, Resident of Village- Daulatpur, P.S.- Warisnagar, (Mathurapur O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 16-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Warisnagar P.S. Case No. 223 of 2017 registered under Section 273 of I.P.C. and Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act-2016.

1053 lts. of foreign liquor is said to have been recovered from the house of the petitioner unloaded from a truck at the indication of Md. Irfan and said Md. Irfan was apprehended.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no



concern with the seized liquor. He has been falsely implicated in this case by Md. Irfan due to animosity. Barring the aforesaid disclosure of Md. Irfan, there is nothing in the record indicating the complicity of the petitioner in the occurrence. The house from where the aforesaid liquor is said to have been recovered, is inhabited by several other family members of the petitioner and he had no knowledge of keeping of liquor in the said house. By filing several documents along with supplementary affidavit, petitioner submitted that he has been living in Delhi for the last two years i.e. preceeding to the occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 22.11.2017.

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 A.D.J.-II-cum-Special Judge, Excise Act, Samastipur in connection with Warisnagar P.S. Case no. 223 of 2017.

(Prakash Chandra Jaiswal, J)

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