

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45272 of 2018

Arising Out of PS.Case No. -52 Year- 2018 Thana -CHAKAND District- GAYA

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1. Kishori Sao @ Koshori Saw son of Moti Sao resident of village - Gannu Bigha, P.S. - Chakand, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 30-07-2018 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 Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

18 cartons of foreign liquor is said to have been recovered from the Gumti of the petitioner and his son Dhananjay Sao @ Dhiraj Kumar on the disclosure made by the driver of the vehicle, namely, Titu Singh.

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 the Gumti. He has been falsely implicated



in this case on the disclosure made by the apprehended accused. Barring the aforesaid disclosure there is nothing on record indicating the complicity of the petitioner in the occurrence. Though as per the FIR aforesaid liquor is said to have been recovered from the Gumti and also some liquor from open field but as per the seizure list the said liquor is said to have been recovered from the premises of Chakand Police Station. The petitioner was not apprehended on the spot. Similarly situated co-accused, namely, Dhananjay Sao @ Dhiraj Kumar has been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No. 45061 of 2018 vide order dated 18.06.2018. He has no criminal antecedent and has been languishing in custody since 18.06.2018.

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 Special Judge Excise Act, Gaya in connection with Chakand P.S. Case No. 52 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-



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