

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30535 of 2018

Arising Out of PS.Case No. -45 Year- 2018 Thana -GOPALPUR District- GOPALGANJ

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Baliram Mahato, son of Ramakbal Mahato Resident of Village- Mashan
Thana, Police Station- Jadopur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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

ORAL ORDER

4 03-07-2018 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 Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

155 litres of country made liquor is said to have
been recovered from Tata Safari Vehicle and the petitioner was
apprehended in the course of escaping from the said vehicle.

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 vehicle in question. He



happens to be simple commuter of the said vehicle and was travelling in it taking lift from its driver without any knowledge of keeping of the liquor in the vehicle and driver of the said vehicle managed to escape seeing the police party. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 11.04.2018.

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 Addl. District and Sessions Judge-II, Gopalganj in connection with Gopalpur P.S. Case No. 45 of 2018 / GR No. 1435 of 2018.

(Prakash Chandra Jaiswal, J)

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