

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36694 of 2018

Arising Out of PS.Case No. -160 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
GAYA

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Md. Rasid S/o Md. Safique @ Md. Rafik, R/o Mohalla- Dhobimohalla
Sector IC Bokaro, P.S.- Nagar, District- Bokaro (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Ashok Kumar

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

4 13-08-2018 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 30(a) and 56(d) of the Bihar
Prohibition and Excise Act, 2016.

104.375 litres of foreign liquor is said to have been
recovered from the Tata Sumo and the petitioner and one other
accused namely Ashok Das sitting in the said vehicle were
apprehended.

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 vehicle in question. He happens to be simple commuter of the said vehicle and he had no knowledge of keeping of the liquor in the said vehicle by its driver who managed to escape leaving the aforesaid liquor laden vehicle at the place of occurrence seeing the personnel of Excise department and the petitioner and co-accused Ashok Das have been falsely implicated in the case. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 01.05.2018. Similarly situated co-accused, namely, Ashok Das has been enlarged on bail by a co-ordinate bench of this court.

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 Addl. District and Sessions Judge-V cum Special Judge, Excise Court, Gaya in connection with Excise Case No. 160 of 2018.

(Prakash Chandra Jaiswal, J)

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