

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22399 of 2018

Arising Out of PS.Case No. -419 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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Md. Alam, son of Late Najeeb, Resident of Village- Idgah Basti, Telia Pokher, Police Station- Panji Para, District- Uttar Dianajpur West Bengal.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar No.-1

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Kishanganj P.S. Case No. 419 of 2017 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

2302.435 litres of foreign liquor is said to have been recovered from the truck and its driver and khalasi 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 with the truck in question. He was not apprehended on the spot. He has been falsely implicated in the



case after around one month on the tip off given by spy during the course of investigation. 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 02.02.2018. Co-accused, namely, Santosh Kumar and Ramesh Prasad have been enlarged on bail by a co-ordinate bench of this court vide order dated 21.11.2017 passed in Cr. Misc. No. 53878 of 2017.

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 2nd Additional District and Sessions Judge cum Special Judge, Excise, Kishanganj in connection with Kishanganj P.S. Case No. 419 of 2017.

(Prakash Chandra Jaiswal, J)

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