

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22517 of 2018

Arising Out of PS.Case No. -352 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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Sudhir Mandal S/o Late Umesh Mandal, R/o Vill.- Berai, P.S.- Hathauri,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri Dinesh Singh

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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 Town P.S. Case No. 352
of 2016 registered under Sections 272 and 273 of the Indian Penal
Code and Section 30(i), 36 and 41 of the Bihar Prohibition and
Excise Act, 2016.

1299.06 litres of foreign liquor is said to have been
recovered from Maximo Plus vehicle and Raj Kumar was
apprehended while Kamlesh Yadav managed to escape. Said
Kamlesh Yadav on his apprehension disclosed the name of the
petitioner as one of his accomplice in the occurrence.

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 was not apprehended on the spot. He has been falsely implicated in the case by Kamlesh Yadav due to animosity. 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 10.01.2018. Kamlesh Yadav has been enlarged on bail by a co-ordinate bench of this court vide order dated 20.04.2017 passed in Cr. Misc. No. 8813 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 Addl. Sessions Judge cum Special Judge, Madhubani in connection with Town P.S. Case No. 352 of 2016, G.R. No. 2097/16.

(Prakash Chandra Jaiswal, J)

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