

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42848 of 2018

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Munna Kumar @ Munna Mahto, S/o Jai Prakash Sinha @ Prakash Mahto,
Resident of Village- Korai P.S.- Deepnagar, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Ramchandra Singh

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

ORAL ORDER

2 18-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 30, 30A, 35A and 35b of the
Bihar Prohibition and Excise Act, 2016.

738 litres of foreign liquor is said to have been
recovered from the hut and gumti of Jawahar Prasad and he was
apprehended while other accused persons managed to escape. Said
Jawahar Prasad divulged the complicity of the friend of his son
including petitioner 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 place of recovery or with the son of Jawahar Prasad. He has been falsely implicated in the case by Jawahar Prasad due to animosity. Barring aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. Though three more cases have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 17.05.2018. Similarly situated co-accused Sudama Kumar has been enlarged on bail by this court vide order dated 02.05.2018 passed in Cr. Misc. No. 25441 of 2018 while several accused persons have been enlarged on bail by different benches 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 learned Special Judge, Excise, Nalanda at Biharsharif in connection with Ben P.S. Case No. 99 of 2017.

(Prakash Chandra Jaiswal, J)

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