

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43706 of 2018

Arising Out of PS.Case No. -224 Year- 2018 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Sunil Mishra S/o Dineshwar Mishra@ Dinay Mishra R/o Vill- Dharhari,
P.S. Chiraiya, Distt. East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 19-07-2018 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 120B, 272, 273 & 414/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

630 litres of Nepali Saufi Wine is said to have been
recovered from the Bolero and its driver and passengers sitting in
the vehicle managed to escape. The petitioner was identified by
the villagers during the course of escaping. Later on co-accused
Gunjan Kumar Yadav and Rambabu Yadav were apprehended
who disclosed the name of the petitioner and the petitioner was



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 vehicle in question or any trade of liquor. He has been falsely implicated in the case by apprehended accused due to animosity. The identity and genuineness of the source of information has not been mentioned in the written report. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure of accused. Petitioner was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 11.06.2018.

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 Special Judge, Excise Act, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 224 of 2018.

(Prakash Chandra Jaiswal, J)

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