

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44492 of 2018

Arising Out of PS.Case No. -189 Year- 2018 Thana -KONCH District- GAYA

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Umesh Yadav, Son of Kishori Yadav, resident of village – Kashiya Dih,
P.S.-Amas, District – Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 24-07-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

150 litres of country made liquor is said to have
been recovered from the tempo and the petitioner was
apprehended in the course of escaping while two other accused
persons managed to escape.

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 tempo in question or with
any trade of liquor. He has been falsely implicated in the case by



the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence and real culprit managed to escape leaving the aforesaid liquor laden tempo there seeing the police party. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 10.06.2018.

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, Gaya in connection with Konch P.S. Case No. 189 of 2018.

(Prakash Chandra Jaiswal, J)

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