

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48134 of 2018

Arising Out of PS.Case No. -177 Year- 2018 Thana -TAJPUR District- SAMASTIPUR

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Annu Pouddar S/o Raj Kumar Pouddar Resident of Village - Bherokhara,
P.S. Tajpur, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 07-08-2018 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 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

22.140 litres of foreign liquor is said to have been
recovered from the banana orchard and from behind the house of
Amarjeet Poddar and one of the accused persons namely Rajan
Kumar was apprehended while others managed to escape. The
apprehended accused disclosed the name of the petitioner as one
of his fleeing accomplices 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 place of recovery or any trade of liquor. He has been falsely implicated in the case by the apprehended accused due to animosity. Barring the aforesaid disclosure of the apprehended accused, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has been languishing in custody since 09.06.2018. Similarly situated co-accused, namely, Chanchal Kumar has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 06.08.2018 passed in Cr. Misc. No. 47785 of 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 Addl. Sessions Judge-VI cum Special Judge, Samastipur in connection with Tajpur P.S. Case No. 177 of 2018.

(Prakash Chandra Jaiswal, J)

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