

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49953 of 2018

Arising Out of PS. Case No.-100 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Md. Khurshid, S/o Md. Atabul Rahman, R/o Vill-Bhasar, Ward no. 5, P.S.
Sitamarhi, Distt-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Chaubey Jawahar

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

ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with G.O.
Case no. 100 of 2018 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

90 lts. of Nepali Saufi wine is said to have been
recovered from motorcycle of the petitioner and he was
apprehended by giving chase.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern with
the seized liquor. He has been falsely implicated in this case by



the personnel of Excise Department merely on suspicion while he was passing through the place of occurrence at the time of occurrence and real culprits managed to escape dumping the aforesaid liquor there seeing them. There is no compliance of Section 100 Cr.P.C. Though one more case has been lodged against the petitioner, but he is on anticipatory bail in the said case. He has been languishing in custody since 05.07.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with G.O. Case no. 100 of 2018.

(Prakash Chandra Jaiswal, J)

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