

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50179 of 2018

Arising Out of PS.Case No. -196 Year- 2018 Thana -RAJNAGAR District- MADHUBANI

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Md. Sabir, Son of Sri Abdul Rashid, Resident of Village- Babubarhi, P.S.-
Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
Mr. Ajay Kumar Thakur
Mrs. Babita Kumri

For the Opposite Party/s : Mr. Prem Kumar Jha

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

ORAL ORDER

2 14-08-2018 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 272 & 273/34 of the Indian Penal Code and Sections 30 (a) and 38(2) of the Bihar Prohibition and Excise Act, 2016.

1345.83 liters of foreign liquor is said to have been recovered from under-construction building of Sishupal Plus Two



High School, Ekma allegedly kept there by accused persons, namely, Ram Adhin Rai and Ram Karan Rai and petitioner is said to be the headmaster of the said school.

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 with the seized liquor. The building from where the aforesaid liquor was recovered is under-construction and has not been handed over to the school. Though petitioner happens to be the Headmaster of the said school but the aforesaid building is not in the possession of the petitioner and moreover, the petitioner had no knowledge of keeping of the aforesaid liquor there by the aforesaid two other accused persons. As building materials etc. were being brought in the aforesaid portion of the school for construction in a truck, the aforesaid liquor might have been brought there by the aforesaid truck along with building materials without knowledge of petitioner. Petitioner was not apprehended on the Spot. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 17.06.2018.

In the facts and circumstances of the case, 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 Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 196 of 2018 (G.R. No. 848 of 2018).

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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