

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54024 of 2018

Arising Out of PS.Case No. -123 Year- 2018 Thana -RUPAULI District- PURNIA

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Subodh Sah, Son of Ramdeo Sah, resident of village – Bairiya, P.S.-
Tikapatti, District – Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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

2 31-08-2018 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.

55 litres of country made liquor is said to have been
recovered from the trolley of the tractor and the petitioner who
happens to be its owner-cum-driver and two other accused persons
namely Sohil Rishi and Shashi Rishi sitting on the said tractor
were apprehended in the course of escaping from the said tractor.

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. He has been falsely implicated in the case at the instance of his enemies. As a matter of fact, aforesaid two apprehended accused persons had taken lift from the petitioner on his tractor carrying gallon in their hand on the pretext of running boring machine by diesel kept in the gallon and petitioner had no knowledge of keeping of the liquor in the said gallon. He has no criminal antecedent. He has been languishing in custody since 11.07.2018.

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 2nd Addl. Sessions Judge cum Special Judge, Purnea in connection with Special Excise Case No. 658 of 2018 arising out of Rupauli P.S. Case No. 123 of 2018.

(Prakash Chandra Jaiswal, J)

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