IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53882 of 2018

Arising Out of PS.Case No. -325 Year- 2018 Thana -RUPASPUR District- PATNA

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Happy Singh, S/o Nand Kishore Singh, resident of Nandpuri Colony, P.S. Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 30-08-2018 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 30(a), 37(b), (c), 38(II) and 41(I) of the Bihar Prohibition and Excise Act, 2016.

13 litres of foreign liquor is said to have been recovered from the house of the petitioner and the petitioner was apprehended.

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 enemy. There is violation of Section 100

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Cr.P.C. The house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house. He has no criminal antecedent and has been languishing in custody since 27.07.2018.

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 Special Judge, Excise, Patna in connection with Rupaspur, Patna P.S. Case No. 325 of 2018 (Special Excise No. 6949 of 2018).

(Prakash Chandra Jaiswal, J)

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