

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40644 of 2018

Arising Out of PS.Case No. -328 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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Dipak Kumar @ Deepak Prasad S/o Ram Ekbal Sah, R/o Vill.- Mejorganj,
Ward No. 08, P.S.- Mejorganj, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party : Mr. Sayta nand Shukla, A.P.P. - 130

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

ORAL ORDER

04 03-08-2018 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 Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

114 liters of Nepali Saufi wine is said to have been recovered from the possession of the petitioner.

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. There is violation of Section 100 Cr.P.C. He has been falsely implicated in this case by the personnel of the Excise Department merely on suspicion while he was passing through the



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place of occurrence at the time of occurrence and the real culprit managed to escape dumping the aforesaid liquor there. He has no criminal antecedent and has been languishing in custody since 13.06.2018.

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 Judge-II-cum-Special Judge Excise Act, Sitamarhi in connection with Complaint Case No. C-2/328 of 2018.

(Prakash Chandra Jaiswal, J)

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