

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43220 of 2018

Arising Out of PS.Case No. -82 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

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1. Jitendra Kumar Mallick @ Jitendra Singh @ Gullu @ Jitendra Son of
Diwan Singh Resident of Village- Umra, Police Station- Sadar Haaosi,
District- Hisar (Hariyana).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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

03 07-08-2018 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), 35 (a), 38 (i), (ii), 41 (i) (ii) and
47 of the Bihar Prohibition and Excise Act, 2016.

307 cartons of foreign liquor is said to have been recovered
from the truck and the driver of the said truck was apprehended
and the owner of the said truck, namely, Sanjay Prakash disclosed
that the petitioner had got purchased the said truck by him by
disclosing his wrong name and signing on the sale letter as a
witness and the seized liquor is hailing to him.

It is submitted by learned counsel for the petitioner that no



- 2 -

incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the truck in question. He has been falsely implicated in this case by the co-accused, Sanjay Prakash due to animosity. Barring the disclosure made by the said Sanjay Prakash, there is nothing on record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 02.06.2018.

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 Special Judge Excise Act, Samastipur in connection with Khanpur P.S. Case No. 82 of 2017.

(Prakash Chandra Jaiswal, J)

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