

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43287 of 2018

Arising Out of PS. Case No.-310 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. Babloo Paswan, S/o Jagarnath Paswan,
 2. Vijay Kumar Mahto S/o Late Budhan Mahto, Both R/o Vill.-
Dumarwana, P.S.- Baigania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore

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

ORAL ORDER

4 06-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with
Government Official Complaint Case no. C2/310 of 2018
registered under Section 30(a) of Bihar Excise and Prohibition
Act-2016.

Some miscreants are said to have been carrying
bags on their heads, but seeing the personnel of Excise
Department, they escaped in Nepal barring the petitioners
dumping bags at the place of occurrence and the personnel of
Excise Department, recovered 342 lts. Nepali Saufi wine from
the bags dumped there and the petitioners were apprehended.



It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern with the seized liquor. They have been falsely implicated in this case by the personnel of Excise Department merely on suspicion while they were passing through the place of occurrence at the time of occurrence and real culprits managed to escape dumping the bags containing liquor there seeing them. There is no compliance of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 03.06.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-II-cum-Special Judge Excise Act, Sitamarhi in connection with Government Official Complaint Case no. C2/310 of 2018.

(Prakash Chandra Jaiswal, J)

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