IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2628 of 2018

Arising Out of PS.Case No. -236 Year- 2017 Thana -VIJAYPUR District- GOPALGANJ

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Mithilesh Maharaj S/o Prabhu Nath Maharaj @ Prabhu Nath Sharma, R/o Village- Ekma, P.S.- Akama, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Naresh Prasad
For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 23-01-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Bijaipur P.S. Case no. 236 of 2017 registered under Sections 272, 273, 420 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act-2016.

167.400 ml foreign liquor is said to have been recovered from the Xylo vehicle. Two persons including the petitioner were apprehended while driver and owner of the vehicle managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his conscious physical possession. The petitioner has no concern

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with the seized liquor. As a matter of fact, the petitioner was regressing from the house of his sister located in village Khajuha Kala, P.O. Maheshpur and in the meantime owner and driver of the vehicle who happen to be resident of his village met him and offered to drop him to his house whereupon the petitioner boarded the said vehicle but unfortunately on the way he was apprehended by the police. He had no knowledge of keeping the aforesaid liquor in the vehicle. He has no criminal antecedent. The petitioner has been languishing in custody since 14.12.2017.

Considering the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge, Gopalganj, District-Gopalganj in connection with Bijaipur P.S. Case no. 236 of 2017.

(Prakash Chandra Jaiswal, J)

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