

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20678 of 2018

Arising Out of PS.Case No. -212 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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Avinash Kumar S/o late Ram Swarth @ Ram Pravesh Shab, R/o Village-Sipara (Hindnagar), P.S.- Beur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 16-04-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Budha Colony P.S. Case No. 212 of 2017 registered under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

270 litres of country made liquor is said to have been recovered from the XUV-500 vehicle and three persons were apprehended. One of the apprehended accused, namely, Ajit Ranjan Singh @ Dablu Yadav divulged that the said liquor has been handed over to them by the petitioner Avinash Kumar.

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 by Ajit Ranjan Singh @ Dablu Yadav. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the said accused. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 20.01.2018.

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 Act, Patna in connection with Budha Colony P.S. Case No. 212 of 2017 (Spl. Case No. 3216 of 2017).

(Prakash Chandra Jaiswal, J)

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