

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9177 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -BARACHATTI District- GAYA

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1. Bihari Prasad @ Bihari Sao S/o Laxmi Sao, R/o Village- Khiriyama,
P.S.- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Braj Kishore Prasad

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

ORAL ORDER

02 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Barachatti P.S. Case No.
07 of 2018 registered under Section 272 & 273 of the Indian Penal
Code and Section 30 (a), 38 & 47 of the Bihar Prohibition and
Excise Act, 2016.

450 liters of spirit is said to have been recovered
from the Scorpio and its driver, namely, Rahul Rajak and
petitioner were apprehended from the said vehicle.

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 was simply a
commuter of the said vehicle. He had no knowledge of keeping of



the spirit in the said vehicle. He has no concern with the seized spirit. He has been falsely implicated in this case. Though one case under Excise Act is pending against the petitioner but he is on bail in the said case. He has been languishing in custody since 05.01.2018.

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, Gaya in connection with Barachatti P.S. Case No. 07 of 2018.

(Prakash Chandra Jaiswal, J)

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