

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48720 of 2018

Arising Out of PS.Case No. -475 Year- 2018 Thana -PHULWARI District- PATNA

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Pappu Kumar, Son of Prabhu Rai, R/o Kothwa, P.S.- Khagaul, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 09-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2016.

50 litres of country made liquor is said to have been recovered from the Bolero and the petitioner was 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 has no concern either with the seized liquor or with the vehicle in question. He happens to be simple commuter of the said vehicle and he had no



knowledge of keeping of the liquor in the vehicle by its driver who managed to escape leaving aforesaid liquor laden vehicle there seeing the police personnel. He has been falsely implicated in the case by the police merely on suspicion. Seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 27.06.2018.

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 Special Case No. 5834 of 2018 arising out of Phulwari Sharif P.S. Case No. 475 of 2018.

(Prakash Chandra Jaiswal, J)

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