

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51719 of 2018

Arising Out of PS. Case No.-361 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Mithilesh Kumar @ Mithilesh Sahni S/o Raj Narayan Singh @ Raj Narayan Shani, R/o Vill.- Machhkadhwa Ward No. 11, P.S.- Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 23-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Case no.
C2/361 of 2018 registered for the offence punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

54 lts. of Nepali Saufi wine is said to have been
recovered from joint possession of petitioner Mithilesh Kumar
and one other accused namely, Nitesh Kumar.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern with
the seized liquor. He has been falsely implicated in this case by



the personnel of Excise Department merely on suspicion while he was passing through the place of occurrence at the time of occurrence and real culprits managed to escape dumping the aforesaid liquor there seeing them. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 08.07.2018.

In 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Case no. C2/361 of 2018.

(Prakash Chandra Jaiswal, J)

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