

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52541 of 2018

Arising Out of PS.Case No. -197 Year- 2018 Thana -BARHARIA District- SIWAN

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Ful Mohamad @ Phool Mohammad Ansari, S/o. Late Ramjan Miyan, R/o.
Village- Jagdishpur, P.S.- Jamo Bazar, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 27-08-2018

On the request of learned counsel for the petitioner it

is directed to verify the petitioner record regarding the period of
custody in para-11 of the bail petition during the course of bail.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272, 273 and 308 of the Indian
Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition
and Excise Act, 2016.

425 litres of foreign liquor is said to have been
recovered from the bank of the pond and five accused persons
barring the petitioner managed to escape from the said place and
from the motorcycle of the petitioner 18 litres of foreign liquor
was recovered.



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 motorcycle in question or with the place of recovery or any trade of liquor. He has been falsely implicated in this case by the police merely on suspicion while he had gone at the bank of pond at the time of occurrence for defecation. He has no criminal antecedent. He has been languishing in custody since 29.06.2018.

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 2nd Additional Sessions Judge cum Special Judge, Excise, Siwan in connection with Barharia P.S. Case No. 197 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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