

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38356 of 2018

Arising Out of PS.Case No. -23 Year- 2018 Thana -BYPASS District- PATNA

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Amitabh Kumar Sagar, Son of Ram Sagar Singh, resident of Village-
Sahadei Bujurg, P.S. Desari, Dist.- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

685 litres of country made liquor and 85 litres of
foreign liquor are said to have been recovered from the hut taken
on rent by Ashirwad Traders. The said firm is said to be hailing to
the petitioner, Rishu and Ashish by the locals.

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 place of recovery or aforesaid firm.



Petitioner was not apprehended on the spot. He has been falsely implicated in the case at the instance of his enemies. Chargesheet in the case has already been submitted. Identity and genuineness of the source of information has not been mentioned in the F.I.R. Barring the disclosure made by the alleged locals, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He has no criminal antecedent. He has been languishing in custody since 07.05.2018. Similarly situated co-accused, namely, Ashish Kumar Singh @ Ashish Kumar has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 06.07.2018 passed in Cr. Misc. No. 36001 of 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, Patna in connection with Special Case No. 558 of 2018, arising out of Bypass P.S. Case No. 23 of 2018.

(Prakash Chandra Jaiswal, J)

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