

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22926 of 2018

Arising Out of PS.Case No. -206 Year- 2018 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Ash Mohammad Son of late Thag Mian Resident of Village- Pujahan
Patjirwa Gadiyani, Police Station- Shrinagar (Pujahan), District West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

5 19-06-2018 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), 35, 38 and 56 of the
Bihar Prohibition and Excise Act, 2016.

491.409 litres of foreign liquor is said to have been
recovered from the tenanted room of the petitioner and co-accused
Uttam Sarkar and they were apprehended from the said room.

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 place of recovery. As a



matter of fact, he had gone to visit the owner of the house namely Shambhu Gupta and was apprehended by the police and was falsely implicated in the case merely on suspicion. Though in the F.I.R., aforesaid liquor is said to have been recovered from the tenanted room of the petitioner and Uttam Sarkar, but the seizure list indicates the recovery of the aforesaid liquor from the tenanted room of Arjun Das and his wife. Petitioner has no criminal antecedent. He has been languishing in custody since 22.03.2018.

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, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 206 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

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