

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24141 of 2018

Arising Out of PS.Case No. -20 Year- 2018 Thana -CHHATAPUR District- SUPAUL

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1. Birendra Yadav Son of Nageshwar Yadav Resident of Village-
Tadhi(Koriyapatti), P.S. Jadia, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Adv.
Mr. Dinesh Choudhary, Adv.

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

02 30-04-2018

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 Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

2788.375 liters of foreign liquor is said to have been
recovered from the truck and its driver and owner managed to
escape while the passbook and mobile which was seized from the
truck indicates the complicity of the petitioner in the occurrence.

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 been



falsely implicated in this case at the instance of his enemy. He has no concern either with the seized liquor or the truck in question. The seizure list does not indicate the recovery of the passbook of the petitioner at the place of occurrence while mobile of the petitioner was recovered from the petitioner at the police station after his apprehension. Petitioner is not named in the F.I.R. He was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 16.03.2018.

In the facts and circumstances of the case, 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 Additional Sessions Judge-IIInd-cum-Special Judge Excise, Supaul in connection with Chhatapur P.S. Case No. 20 of 2018.

(Prakash Chandra Jaiswal, J.)

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