

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50361 of 2018

Arising Out of PS.Case No. -28 Year- 2018 Thana -FATUHA District- PATNA

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Manoj Das, Son of Asarfi Das, resident of Mohalla – Maksudpur, P.S.-
Fatuha, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 16-08-2018 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.

34.200 litres of country made liquor is said to have
been recovered from the mustard field of Mallu Jee, said to be
kept there by the petitioner and co-accused Gautam Kumar.

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. Place of
recovery is open place and is easily accessible to anyone. He has
been falsely implicated in the case at the instance of his enemy.



Identity and genuineness of the source of information has not been mentioned in the written report. Petitioner was not apprehended on the spot. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 09.05.2018. Similarly situated co-accused, namely, Gautam Kumar has been enlarged on bail by this court vide order dated 03.07.2018 passed in Cr. Misc. No. 38764 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 Fatuha P.S. Case No. 28 of 2018, Special Case No. 455 of 2018.

(Prakash Chandra Jaiswal, J)

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