

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52371 of 2018

Arising Out of PS. Case No.-394 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Rakesh Kumar Ram @ Rakesh Kumar, S/o Ram Barai Ram, R/o Vill-Barahan
Gopal, P.S. Siwan Muffasil, Distt-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Smt. Rita Verma

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

ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Siwan Muffasil P.S. Case no. 394 of 2018 registered for the offence punishable under Sections 272, 273 of I.P.C. and Sections 30(a), 38(i) and 41 of the Bihar Prohibition and Excise Act, 2016.

Petitioner along with two other accused persons are said to have been standing near the bush located near Mardapur bridge and 35 lts. of country made liquor is said to have been recovered from motorcycle of the petitioner while 225 lts. of foreign liquor from the bush.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery or with any trade of liquor. He has been falsely implicated in this case by the police personnel merely on suspicion while he was passing through the place of occurrence at the time of occurrence. The place of recovery is open place and easily accessible to anyone. The seizure list does not bear the signature of the petitioner. There is no compliance of Section 100 Cr.P.C. Though, one criminal case has been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 10.07.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case no. 394 of 2018.

(Prakash Chandra Jaiswal, J)

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