

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48597 of 2018

Arising Out of PS.Case No. -265 Year- 2018 Thana -MANER District- PATNA

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1. Prakash Rai @ Jai Prakash Rai S/o Sri Akshat Rai, R/o Vill.- Lodipur,
P.S.- Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy

For the Opposite Party/s : Mr. Matloob Rab

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

02 08-08-2018 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 Sections 30 (a) and 30 (b) of the Bihar Madya Nishedh and Excise Act, 2016.

40 liters of country made liquor is said to have been recovered from near the Saghra brick kiln in Sherpur village and petitioner was apprehended vending the aforesaid liquor there.

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 the place of recovery or any trade of liquor. The place of recovery is an open place and easily



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accessible to anyone. He has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence while the real culprit managed to escape dumping the aforesaid liquor there seeing the police party. He has no criminal antecedent and has been languishing in custody since 01.06.2018.

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 Special Judge Excise Act, Patna, in connection with Maner P.S. Case No. 265 of 2018. (in Special Case No. 5072 of 2018).

(Prakash Chandra Jaiswal, J)

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