

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48403 of 2018

Arising Out of PS.Case No. -364 Year- 2018 Thana -ARA NAWADA District- BHOJPUR

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1. Amardeep Kumar @ Amardeep Paswan @ Chhotu, S/o Brij Nandan Ram @ Braj Nandan Ram, resident of Village Jawahar Tola Eastern Railway Gumti, P.S. Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 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), 38(1),(2), 41(i)(ii) and 47 of the Bihar Prohibition and Excise Act, 2016.

Petitioner and five other accused persons were apprehended from Ramna Maidan and three accused were managed to escape and on their disclosure 3438.72 liters of foreign liquor is said to have been recovered and petitioner is said to be purchaser of the said liquor.

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. He had not made any disclosure to the police. He was not apprehended on the spot on the date of occurrence rather the police dragged him from his house illegally on 23.05.2018. Regarding the aforesaid incident, his father had given information to the Superintendent of Police, Ara at Bhojpur by registered post on 25.05.2018, preceding to the date of occurrence, which goes to rule out the prosecution case. Petitioner has been falsely implicated in this case merely because he had refused to accord his Scorpio to police for patrolling duty. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 29.05.2018.

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 4th Additional Sessions Judge-cum-Special Judge Excise Act, Bhojpur at Ara in connection with Ara, Nawada P.S. Case No. 364 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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