

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53843 of 2018

Arising Out of PS.Case No. -533 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SUPAUL

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Kapileshwar Dharikar, Son of Late Narayan Dharikar, Resident of Village-
Kamalpur, Ward NO. 4, Police Station- Kunauli, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 30-08-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

45 litres of Nepali liquor is said to have been
recovered from the possession of the petitioner and the petitioner
was apprehended.

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
with the seized liquor. He has been falsely implicated in the case



by the personnel of Excise department merely on suspicion while he was passing through the place of occurrence at the time of occurrence and real culprit managed to escape dumping the aforesaid liquor there seeing them. Seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 15.07.2018.

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, Supaul in connection with Misc. Excise Case No. 533 of 2018 arising out of P.R. Case No. 29 of 2018.

(Prakash Chandra Jaiswal, J)

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