

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48705 of 2018

Arising Out of PS.Case No. -57 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District -
PATNA

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Rajeshwar Chaudhari son of late Jamun Chaudhari Resident of Village -
Brahmsthan Colony, P.S. Alamganj, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 09-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a) and 37(b) of the Bihar
Prohibition and Excise Act, 2016.

70 litres of toddy is said to have been recovered
from beneath the Rajendra Nagar Bridge being sold by the
petitioner and the petitioner was apprehended in inebriated
condition.

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 toddy or place of recovery or any trade of liquor. Place of recovery is open place and is easily accessible to anyone. He has been falsely implicated in the case by the police 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 toddy there seeing the police personnel. There is violation of Section 100 Cr.P.C. He had never consumed any liquor. He happens to be teetotaler. He has no criminal antecedent. He has been languishing in custody since 22.06.2018.

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 Act, Patna in connection with P.R. P.S. Case No. 57 of 2018 / Special Case No. 5709 of 2018.

(Prakash Chandra Jaiswal, J)

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