

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52347 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -RIVILGANJ District- SARAN

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Pramod Rai, S/o. Munilal Rai, R/o. Village- Sadhpur Bali, P.S.- Kopa,
District- Saran (Chapra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 25-08-2018 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, 30(A) and 38 of the Bihar
Prohibition and Excise Act, 2016.

2160 litres of foreign liquor is said to have been
recovered from the truck which as per secret information is said to
have been kept in the truck by the six accused persons including
the petitioner. Driver and khalasi of the aforesaid truck were
apprehended and the driver divulged the name of the petitioner in
the offence.

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 with the vehicle in question or any trade of liquor. He has been falsely implicated in the case by the police at the instance of his enemy by setting up false and concocted story allegedly from the mouth of the driver of the said vehicle as well as on the basis of secret information. The aforesaid confessional statement of the driver not leading to the recovery has no evidentiary value in the eye of law. Barring the aforesaid disclosure of the driver there is nothing on record to indicate the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has been languishing in custody since 20.07.2018.

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 6th Additional Sessions Judge, Saran at Chapra in connection with Revilganj P.S. Case No. 05 of 2017.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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