

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19241 of 2019**

Arising Out of PS. Case No.-6 Year-2019 Thana- BAHADURPUR District- Darbhanga

Md. Abbas Son of Abdul Gaffar Resident of Village - Khajasarai, P.S.-  
Laheriasarai, Distt – Darbhanga. ... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Indu Kumari Srivastava

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

ORAL ORDER

4      19-06-2019                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 467, 468 & 469 of the Indian Penal Code and Section 30 (a), 30 (2) and 41 of the Bihar Prohibition and Excise Act.

782.34 liters of foreign liquor is said to have been recovered from the truck and 180 liters of foreign liquor was recovered from the dilapidated house located in front of parking of the truck and one Md. Zakir was arrested who disclosed the name of the petitioner and other accused persons as the owner 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 with the vehicle in question or any trade of liquor. There is nothing on record indicating the complicity of the petitioner barring the disclosure made by the apprehended accused Md. Zakir due to animosity which has no evidentiary value in the eye of law. No case under the Excise Act is made out against the petitioner.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the A.D.J.-V-cum-Special Judge, Excise Act, Darbhanga in connection with Bahadurpur P.S. Case No. 06 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Trivedi/-

**(Prakash Chandra Jaiswal, J)**

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