

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77920 of 2018

Arising Out of PS. Case No.-191 Year-2018 Thana- MINAPUR District- Muzaffarpur

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Ashok Singh son of late Rajendra singh Resident of village Harkaman Shahi,
P.s. Minapur. Distt. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Kumar, Sr. Advocate. Mr. Ravi Shankar Pathak, Advocate.
For the Opposite Party/s :		Mr. Mukesh Kumar Singh, APP

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

ORAL ORDER

2 02-01-2019 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 399, 402 and 414 of the
Indian Penal Code, Section 25 (1-b)A, 26 and 35 of the Arms
Act and Section 37 (a) & 37 (b) of the Bihar Prohibition and
Excise Act, 2016.

Two loaded country made pistol are said to have been
recovered from the possession of the petitioner and 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 with the seized article. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery from his possession. There is violation of Section 100 Cr.P.C. He has never consumed liquor. He happens to be a teetotaller. He has been languishing in custody since 08.05.2018. Earlier the bail prayer of the petitioner was rejected vide order dated 21.08.2018 giving liberty to him to renew his prayer for bail after three months or after framing of the charge, whichever happens earlier and now more than three months has elapsed, hence the petitioner may be enlarged on bail.

On the other hand, learned APP for the State opposed the bail petition.

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, Muzaffarpur in connection with Meenapur P.S. Case No.191 of 2018.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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