

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79274 of 2018

Arising Out of PS. Case No.-337 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Divyanshu Kumar Son of Raju Kumar Gautam, Resident of Village- Obra,
P.S. Obra, District-Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Veer

For the Opposite Party/s : Mr. S. Ehteshamuddin

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

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Excise Case No. 337 of 2018 registered under Sections 30(a),
56(b) of the Bihar Prohibition & Excise Act.

40 lts. of country made liquor is said to have been
recovered from the gunny bag loaded on the bike and petitioner
and one co-accused, namely, Raju Kumar were apprehended.

It is submitted by learned counsel for the
petitioner that petitioner is quite innocent and has committed no
offence. No incriminating article has been recovered from
conscious physical possession of the petitioner. He has no
concern with the seized liquor. He has been falsely implicated



in this case at the instance of his enemy by planting the aforesaid recovery from his possession. There is no compliance of Section 100 Cr.P.C. Co-accused, namely, Raju Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 27.11.2018 passed in Cr. Misc. No. 67814 of 2018. Petitioner has no criminal antecedent and has been languishing in custody since 11.09.2018.

Learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, 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, Gaya in connection with Excise Case No. 337 of 2018.

(Prakash Chandra Jaiswal, J)

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