

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23913 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- SOHSARAI District- Nalanda

MUNNA @ KADDU S/o Late Fhrid Miya @ Farid Miya R/o Mohalla-
Khasganj, P.S.- Sohsarai, District- Nalanda..... Petitioner/s

Versus

The State of Bihar..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Ajay Kumar

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

ORAL ORDER

4 17-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sohsarai P.S. Case No. 43 of 2019, registered for the offences punishable under Sections 30 (A) and 37 (C) of the Bihar Prohibition and Excise Act, 2016.

Five liters country made liquor is said to have been recovered on the bank of pond. Petitioner and one another accused namely Mahesh Kumar are said to have kept the aforesaid liquor there. Co-accused Mahesh Kumar was apprehended by the police but petitioner made good his escape but the mobile of the petitioner was seized from the aforesaid place.

It is submitted by the 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 the place of recovery.



The place of recovery is an open place and is easily accessible to all. Petitioner had gone to the aforesaid pond for defecation. In the meantime there was stampede and petitioner ran away but unfortunately his mobile fall down on the bank of pond. Co-accused Mahesh Kumar has falsely implicated him in the case due to animosity. No offence under Excise Act is made out against the petitioner.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District & Sessions Judge-cum-Special Judge, Biharsharif, Nalanda in connection with Sohsarai P.S. Case No. 43 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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