

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28886 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- NOKHA District- Rohtas

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BABLOO SINGH @ BABLOO KUMAR Son of Jagnath Singh Resident of
Village- Sisrit Keshav Tola, Police Station- Nokha (Dharpura), District-
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Nagendra Prasad

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

ORAL ORDER

3 05-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Nokha (Dharpura) P.S. Case No. 40 of 2019, registered
for the offences punishable under Sections 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

466.560 liters of foreign liquor is said to have been
recovered from the straw kept in the field of Ram Parvesh
Singh.

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 place of



recovery or any trade of liquor. He has been falsely implicated in this case. There is nothing on record to indicate the complicity of the petitioner in the occurrence. The place of recovery is an open place and is easily accessible to all. There is violation of Section 100 Cr.P.C., hence no offence under Excise Act is made out against the petitioner. He has no criminal antecedent.

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

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 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 Special Judge, Excise, Act, Rohtas at Sasaram in connection with Nokha (Dharmapura) P.S. Case No. 40 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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