

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34015 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- MANJHI District- Saran

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KRISHNA MENON MAHARAJ S/o Late Ganesh Maharaj R/o Village-
Ekma Bhatoli, P.S.- Ekma, District- Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh

For the Opposite Party/s : Mrs. Meena Singh

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

ORAL ORDER

3 08-08-2019 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 272, 273, 188 & 420 of the Indian Penal Code and Section 30, 30 (a) & 38 of the Bihar Prohibition and Excise Act, 2016.

10080 liters of foreign liquor is said to have been recovered from the truck and its driver was apprehended who disclosed the name of the petitioner among 11 purchasers of the aforesaid 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 been falsely implicated in the case. He has no concern either with the



seized liquor or truck in question or any trade of liquor. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the aforesaid driver which has no evidentiary value in the eye of law. No offence under the Excise Act is made out against the petitioner. No other case under the Excise Act has been lodged 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 learned 9th Additional Sessions Judge-cum-Special Judge Excise, Saran at Chapra in connection with Manjhi P.S. Case No. 89 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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