

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43612 of 2019**

Arising Out of PS. Case No.-142 Year-2019 Thana- BODHGAYA District- Gaya

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Anil Kumar S/o Bindeshwar Sao R/o village- Pachhatti, P.S.- Bodhgaya,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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

ORAL ORDER

3 09-09-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends his arrest in connection with

Bodhgaya P.S. Case No. 142 of 2019 registered for the offence

punishable under Sections 272, 273 of the Indian Penal Code

and Section 30(a) of Bihar Prohibition & Excise Act-2016.

2 lts. of country made liquor is said to have been

recovered from the dickey of the motorcycle of the petitioner

parked in the lane.

It is submitted by learned counsel for the petitioner

that no incriminating article has been recovered from conscious

physical possession of the petitioner. He has no concern with the

seized liquor. As a matter of fact, the petitioner remained



hospitalized in Radha Hospital, Mangla Gauri, Gaya from 30.03.2019 to 06.04.2019 and his motorcycle was parked in the lane. In the meantime, some enemy of the petitioner might have kept the aforesaid liquor in the dickey of his motorcycle to falsely implicate him in this case due to animosity. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In 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 learned Special Judge, Excise Act, Gaya in connection with Bodhgaya P.S. Case No. 142 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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