

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61546 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

Shyam Bihari Singh Son of Late Baldeo Singh @ Ram Ekbal Singh Resident
of Village - Nadaon, P.S.- Buxar (M), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s :

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

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Buxar (M)
P.S. Case No. 5 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-2018.

1036.8 lts. of foreign liquor is said to have been
recovered from the *Khalihan* of the petitioner.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. Aforesaid *Khalihan* is
located in the vicinity of the railway track and in joint



ownership of the petitioner. It is open to sky and easily accessible to all. Petitioner had no knowledge of keeping of aforesaid liquor in the said *Khalihan*. As per the prosecution case itself, on the raid in the *Khalihan* of the petitioner and two other accused persons, five named accused persons managed to escape but, the informant has not named the petitioner as the person escaping from the place of occurrence. Petitioner has been falsely implicated in this case due to dirty village politics and animosity. Petitioner has no criminal antecedent and has been languishing in custody since 29.08.2019. Similarly situated two co-accused persons, namely, Hari Bansh Kushwaha @ Harbansh Kushwaha and Baijnath Sahu @ Baidyanath Sah have been enlarged on regular and anticipatory bail, respectively, by a different co-ordinate Bench of this Court vide orders dated 15.10.2019 and 21.02.2019 passed in Cr. Misc. Nos. 61467 of 2019 and 10527 of 2019.

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, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special



Judge (Excise) Act, Buxar in connection with Buxar (M) P.S.
Case No. 5 of 2019.

(Prakash Chandra Jaiswal, J)

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