

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72360 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- PATORI District- Samastipur

Naresh Sada Son of Late Nandan Sada Resident of Village - Bhousa, P.S.-
Shahpur Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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

ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Shahpur
Patori P.S. Case No. 336 of 2019 registered for the offence
punishable under Sections 272 and 273 of the Indian Penal Code
and Section 30(a) of Bihar Prohibition & Excise Act-2016.

Petitioner is said to have been apprehended from
the hut in the course of brewing liquor and 25 lts. of country
made liquor was seized from the said hut.

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 either
with the seized liquor or with the hut in question or with any



activity of brewing liquor. He has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence for the purpose of defecation and real culprit managed to escape seeing the police party. Though, as per the prosecution case, the petitioner was found brewing liquor in the hut but, no furnace was seized from the place of occurrence, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent and has been languishing in custody since 22.08.2019.

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, Samastipur in connection with Shahpur Patori P.S. Case No. 336 of 2019.

(Prakash Chandra Jaiswal, J)

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