

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72898 of 2019

Arising Out of PS. Case No.-508 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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MANTU KUMAR @ MANTU YADAV Son of Awadh Kishore Yadav
Resident of Village - Bigha Naili, Gaya, Distt.- Gaya. At Present Azad Bigha,
P.S.- Magadh Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Ms. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-12-2019 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 Sections 30(a) and
56(b) of the Bihar Prohibition and Excise Amendment Act,
2018 of the Indian Penal Code.



175 liters of spirit is said to have been recovered from Maruti Swift Dezire and its driver was apprehended while petitioner managed to escape.

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 vehicle in question. He has been falsely implicated in the case at the instance of his enemies. Neither any source of information has been mentioned in the seizure list nor the apprehended person disclosed the name of the petitioner in the occurrence. There is violation of Section 100 Cr.P.C. No offence under the Excise Act is made out 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 learned Special Judge-Excise Act, Gaya in connection with Excise Case No. 508 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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