

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79343 of 2018

Arising Out of PS. Case No.-583 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Kanchan Yadav Son of Harihar Yadav Resident of village- Raghu Hata, Police
Station-Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Siwan
Muffasil P.S. Case No. 583 of 2018 registered under Sections
272 and 273 of the Indian Penal Code and Sections 30(a) and
40(i) of the Bihar Prohibition of Excise Act, 2016.

336 litres of foreign liquor is said to have been
recovered from bush located beside bathan of the petitioner.
Petitioner and co-accused Chananjay Kumar are said to have
escaped from the aforesaid place.

It is submitted by the learned counsel for the
petitioner that no incriminating article has been recovered from
conscious physical possession of the petitioner. He is quite



innocent and has been falsely implicated in this case. He has no concern with the seized liquor. Place of occurrence is an open place easily accessible to all. He was not apprehended on spot. He has been languishing in custody since 5.11.2018.

On the other hand learned Spl. PP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-2nd-cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case No. 583 of 2018.

(Prakash Chandra Jaiswal, J)

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