

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83639 of 2019

Arising Out of PS. Case No.-303 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Jhagaru Prasad Son of Rameshwar Prasad Resident of Village- Surha, P.S.-
Motihari Mufassil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Humayou Ahmad Khan

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

ORAL ORDER

2 17-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Town P.S.
Case No. 303 of 2018 registered for the offence punishable
under Sections 30(a), 36, 41(1) of Bihar Prohibition & Excise
Act-2016.

210 lts. of Nepali Saufi wine is said to have been
recovered from a Tata Indigo Car and co-accused Shami Akhtar
was apprehended from the said car and from his possession, one



loaded country made pistol was recovered while other accused managed to escape. Apprehended accused disclosed the name of the petitioner as his fleeing accomplice in the occurrence.

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 article or with the vehicle in question. There is nothing cogent incriminating material on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by apprehended accused Shami Akhtar due to animosity. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent and has been languishing in custody since 19.11.2019. Co-accused Shami Akhtar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 08.10.2018 passed in Cr. Misc. No. 62829 of 2018.

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 9th Addl. Sessions Judge cum Special Judge, Excise Motihari, East Champaran in



connection with Town P.S. Case No. 303 of 2018.

(Prakash Chandra Jaiswal, J)

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