

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51364 of 2016

Arising Out of PS.Case No. -190 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
AURANGABAD

=====

Rajesh Kumar Shah Son of Nathuni Sah, Resident of village - Malpura, P.S.
Karakat Godari, District - Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.08.2016 in connection with Excise Case No. 190 of 2016
registered for the offence punishable under Sections 47(a) of the
Bihar Excise Act.

The prosecution case is that the officials of the Excise
Department, on secret information, searched a Maruti Alto 800 car
and found 209 litres of country made liquor and 26.28 litres of
foreign liquor from the dickey of the said car.

It has been submitted by the learned counsel for the
petitioner that he is just the driver of the vehicle and on way two
persons loaded their luggage and the petitioner was not aware that
there were contraband materials inside the luggage. He further



submits that petitioner has falsely been implicated on the basis of suspicion and nothing has been recovered from his conscious possession and that he has no criminal history.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Excise Case No. 190 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the concerned police station and that petitioner will appear before the police/ Court, as and when required and his failure to appear before the learned Court below on two consecutive dates without assigning any reason, will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

