

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54474 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Phul Kumar Chaudhary Son of late Mahendra Chaudhary Resident of
Village- Mohanpur, P.S.- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.06.2017 in connection with Madhubani Town P.S. Case No.
155 of 2017/ G.R. No. 135 of 2017 for offences punishable under
Sections 272, 273 of the Indian Penal Code and Sections 30(i), 36,
41 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information, the vehicle of the
petitioner was searched and from the vehicle 324 litres of Nepali
wine was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and



nothing has been recovered from his conscious possession. He submits that he was just the driver of the said vehicle, as per direction and orders of the owner, he was driving the said vehicle and he did not know that illicit liquor was stacked in the vehicle. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner, above named, be enlarged 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 Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani, in connection with Madhubani Town P.S. Case No. 155 of 2017/ G.R. No. 135 of 2017.

(Nilu Agrawal, J)

Rajesh/-

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