

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9304 of 2017

Arising Out of PS.Case No. -173 Year- 2016 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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Gautam Kumar, son of Nunulal Yadav, resident of Village- Tulsi Tol,
Police Station- Balia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-03-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
22.09.2016 in connection with Sahebpur Kamal P.S. Case No. 173
of 2016 registered for the offence punishable under Section 47 of
the Bihar Excise Act and Sections 53(B)/54 of the Bihar Excise
(Amendment) Act, 2016.

The prosecution case is that the police personnel
during patrolling duty saw that a Bolero vehicle had dashed a
Bolero pick-up van and in Bolero vehicle petitioner along with
driver was found, who got injured. From the said vehicle 35 litres
of foreign liquor was recovered. Accordingly, a seizure-list was
prepared.



It has been submitted by the learned counsel for the petitioner that he was just a passenger in the Bolero vehicle and had no knowledge about the liquor being concealed in the said vehicle. He further submits that he has no criminal history and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Additional Chief Judicial Magistrate-V, Begusarai in connection with Sahebpur Kamal P.S. Case No. 173 of 2016.

(Nilu Agrawal, J.)

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