

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12954 of 2018

Arising Out of PS.Case No. -164 Year- 2017 Thana -AMBA District- AURANGABAD

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Chhotu Kumar, S/o Yamuna Singh, R/o Villlage-Fatehpur, P.S. Barun,
Sistrict-Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Sri Chaubey Jawahar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 07-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Amba P.S. Case No. 164
of 2017 registered under Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

80 litres of country made liquor is said to have been
recovered from the tempo and the petitioner and one other co-
accused Pankaj Kumar were apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. The petitioner
neither happens to be the owner nor driver of the said tempo rather
happens to be simple commuter who was travelling on the said



tempo without knowledge of keeping of the liquor in the said tempo. He has no criminal antecedent. He has been languishing in custody since 26.12.2017. Similarly situated co-accused, namely, Pankaj Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 08.02.2018 passed in Cr. Misc. No. 7591 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Additional Sessions Judge-VII cum Special Judge (Excise), Aurangabad in connection with Amba P.S. Case No. 164 of 2017.

(Prakash Chandra Jaiswal, J)

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