

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8517 of 2018

Arising Out of PS. Case No.-368 Year-2017 Thana- NABINAGAR District- Aurangabad

Rajesh Kumar Mishra S/o Shravan Kr. Mishra @ Shravan Mishra, R/o
Village+P.O.- Sirsi, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Parmeshwar Mehta

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

ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Nabinagar P.S.
Case no. 368 of 2017 registered under Sections 30(a)/38 of the
Bihar Excise and Prohibition Act 2016.

66.250 lts. of foreign liquor is said to have been recovered
from the pick-up van of the petitioner and petitioner along with
two other accused persons were apprehended.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from his conscious
physical possession. As a matter of fact, the petitioner happens
to be driver-cum-owner of the aforesaid vehicle and transported
the Banana from Hajipur to Husainabad on hire, and during the



course of unloading, when he took a nap, some persons might have loaded the said liquor in his vehicle and while the petitioner was regressing to Hajipur for loading another trip of Banana, he was arrested with the said liquor on the way by the police. He had no knowledge of keeping the aforesaid liquor in the vehicle by some unknown miscreants. He has no concern with the seized liquor. He has been languishing in custody since 21.12.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds 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 Nabinagar P.S. Case no. 368 of 2017.

(Prakash Chandra Jaiswal, J)

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