

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4006 of 2018

Arising Out of PS.Case No. -360 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Gorakh Kumar, S/o Meghu Singh @ Megha Singh, R/O village- Kishunpur,
Mohini, P.S.- Kunari, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party : Mr. Nand Kishore Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
05.11.2017 in a case for the offence registered under Sections
30(D), 35 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 49300
liters spirit is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet/prosecution report has been submitted in this case.
There is no allegation of tampering with the witnesses alleged
against the petitioner. The petitioner has falsely been implicated in
the present case. It is alleged that total 49300 liters spirit is



recovered from three different vehicles in question. The vehicle to which the petitioner was driving, 25000 liters spirit is said to have been recovered. The name of the petitioner has come as the petitioner happens to be the driver of one of the vehicles in question. The vehicle in question is run as a public carrier. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner had no knowledge regarding the nature of goods booked by the transporter. There is no compliance of Section 100 Cr. P.C. Other co-accused persons have been granted bail by this Court vide Cr. Misc. Nos. 50570 of 2017 and 58297 of 2017.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 Special Judge, Excise, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 360 of 2017.

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(Sudhir Singh, J)