

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28006 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- KALYANPUR District- Samastipur

Manish, son of Rajendra @ Rajendra Singh, resident of village - Madana,
P.S.- Beri, District- Jhajjar (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-05-2018 Heard Sri Bijay Bhushan Prasad , learned counsel for
the petitioner and learned A.P.P.

The sole petitioner, having clean antecedent, which fact has been stated in paragraph no. 3 of the petition and in custody since 15.1.2018 in connection with Kalyanpur P.S. Case No. 7 of 2018, registered for the offence under Section 272, 273 of the Indian Penal Code , 1860 and Section 30(a) , 38 (I), 38 (III) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail.

Learned counsel for the petitioner submits that petitioner being a passenger was moving in Xylo Car, unaware of loading of any liquor on the vehicle, was apprehended as if petitioner was involved in transporting Indian make foreign liquor. It has been argued that driver and occupant (owner of



the liquor) after noticing police party fled away and petitioner was apprehended. From the said Xylo Car about 35 liter 250 ml of Indian make foreign liquor was shown to be recovered and in the case raid was conducted in the house of one - Pappu Jha and from his house about 72 liters of Indian make foreign liquor was recovered. It has been argued that petitioner is innocent and he has falsely been implicated merely on the ground that petitioner was one of the occupants of the vehicle whereas petitioner as passenger was moving on the said vehicle.

Be that as it may, considering the nature of accusation, clean antecedent as well as period of custody, let the petitioner Manish be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum Special Judge, Excise Act, Samastipur / concerned court in connection with Kalyanpur P.S. Case No. 7 of 2018.

(Rakesh Kumar, J)

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