

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25080 of 2018

Arising Out of PS.Case No. -53 Year- 2018 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Rohit Kumar Mishra S/o Arun Prakash Mishra, R/o Vill.- Bhwanipur,
P.S.- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 26-04-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 and Section 272 & 273 of the Indian Penal Code.

318 liters of Nepali Saufi wine is said to have been recovered from the Santro car and the petitioner, who happens to be driver of the said car, was apprehended, while another accused managed to escape seeing the police party.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He is a driver of the aforesaid car. He has no concern with the seized wine and had no knowledge of carrying the aforesaid wine in the bag by its commuter, namely, Rupesh Kumar, who managed to escape seeing the police party. Though one more case under the Excise Act has been lodged against the petitioner but he is on bail in the said case. He has been languishing in custody since 30.01.2018.

In the facts and circumstances of the case, 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 District and Sessions Judge-IV-cum-Special Judge Excise, East Champaran at Motihari in connection with Muffasil P.S. Case No.53 of 2018.

(Prakash Chandra Jaiswal, J)

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