

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33739 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -HAYAGHAT District- DARBHANGA

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Jivachh Das S/o Late Shiv Nandan Das, R/o Vill.- Ghoshrama, P.S.- Hayaghat, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 03-07-2018 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 Sections 30(a) and 34(a) of the Bihar Prohibition and Excise Act, 2016.

140 litres of toddy is said to have been recovered from a rickshaw and petitioner who happens to be rickshaw puller was 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. He has no concern with the seized toddy. He happens to be poor rickshaw puller and was transporting the said toddy kept in the gallon without knowing



the contents of the gallon at the instruction of co-accused namely Rambalak Sada and Anil Paswan who were proceeding along with toddy ahead of his rickshaw. The petitioner has no criminal antecedent. He has been languishing in custody since 28.04.2018. Aforesaid accused persons namely Rambalak Sada and Anil Paswan have been enlarged on bail by this court and by a co-ordinate bench of this court vide order dated 28.06.2018 passed in Cr. Misc. No. 36763 of 2018 and vide order dated 29.06.2018 passed in Cr. Misc. No. 35483 of 2018 respectively.

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 Addl. Sessions Judge-IV cum Special Judge, Darbhanga in connection with Hayaghat P.S. Case No. 34 of 2018 (G.O. Case No. 385 of 2018).

(Prakash Chandra Jaiswal, J)

Mishra/-

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