

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38294 of 2018

Arising Out of PS. Case No.-343 Year-2018 Thana- FORBESGANJ District- Araria

Rajesh Kumar, S/o Late Nand Lal Swarnkar, Village Simraha Bazar, P.S. Simraha, District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Forbesganj (Simraha) P.S. Case no. 343 of 2018 registered under Section 30(2), 38(1) of Bihar Prohibition and Excise Act-2016.

6.300 lts. of DIALEX-DL Codeine Phosphate and Chlopheniramine cough syrup are said to have been recovered from bag hanging in the motorcycle and the petitioner was apprehended while one other accused managed to escape.

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



physical possession of the petitioner. He has no concern either with the seized liquor or with the motorcycle in question. He has been falsely implicated in this case by the police while he was standing at the place of occurrence and owner of the motorcycle, namely, Dipak Kumar managed to escape leaving the aforesaid article laden motorcycle at the place of occurrence seeing the police party. Said Dipak Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.06.2018 passed in Cr. Misc. no. 36605 of 2018. He has no criminal antecedent. He has been languishing in custody since 14.05.2018.

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 A.D.J.-II, Araria in connection with Forbesganj (Simraha) P.S. Case no. 343 of 2018

(Prakash Chandra Jaiswal, J)

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