

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42938 of 2018

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Bipin Kharwar, son of Shivmuni Kharwar, resident of village Kalani, P.S.
Ramgarh, District Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Nand Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

02 17-07-2018 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 Section 30 (a), 38 (i) and 56 (d) of the Bihar
Prohibition and Excise Act, 2016.

30.500 liters of foreign liquor is said to have been
recovered from the middle seat of the tempo and the petitioner,
who happens to be driver of the said tempo, 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 liquor. The petitioner happens to be driver of the tempo in
question and had no knowledge of keeping of the said liquor in the
tempo. He was plying the tempo at the instruction of his owner



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who managed to escape seeing the police personnel. He has been falsely implicated in this case. He has no criminal antecedent and has been languishing in custody since 21.06.2018.

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.-VI-cum-Special Judge, Kaimur at Bhabua in connection with Excise Case No.181 of 2018, arising out of Ramgarh P.S. Case No.181 of 2018.

(Prakash Chandra Jaiswal, J)

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