

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42080 of 2018

Arising Out of PS. Case No.-97 Year-2018 Thana- KURSELA District- Katihar

Jibachh Lal Sharma, S/o Late Dhanu Sharma, R/o Chakla Mola Nagar, P.S. Falka, Distt-Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Kursela P.S. Case No. 97 of 2018 registered under Sections 272, 273 of I.P.C. and Section 30(A) of the Bihar Prohibition and Excise Act 2016.

160 lts. of toddy is said to have been recovered from tempo and petitioner sitting in the said tempo was apprehended while its driver 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 toddy or with the tempo in question. He



happens to be simple commuter of the said tempo and was travelling in it without any knowledge of keeping of toddy in the said tempo by its driver, who managed to escape seeing the police party. He has no criminal antecedent. He has been languishing in custody since 06.06.2018.

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.-II-cum-Special Judge, Excise Act, Katihar in connection with Kursela P.S. Case No. 97 of 2018.

(Prakash Chandra Jaiswal, J)

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