

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42644 of 2018

Arising Out of PS.Case No. -173 Year- 2018 Thana -UDAKISHANGANJ District- MADHEPURA

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Pankaj Kumar Mishra @ Hira, Pankaj Kumar Mishra @ Hira, Son of Late Parshuram Mishra, resident of village – Uda Kishunganj, Babhan Toli, Ward No.7, P.S.-Uda Kishunganj, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 16-07-2018 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 414 of the Indian Penal Code and Sections 30(a), 37(b) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

5 litres of country made liquor is said to have been recovered from the possession of the petitioner sitting on the motorcycle while 6 litres was recovered from the dicky of the said motorcycle and the petitioner and one other co-accused Rakesh Kumar sitting on the said motorcycle were 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 either with the seized liquor or with the motorcycle in question. He happens to be pillion rider of the said motorcycle and was travelling by it taking lift from co-accused Rakesh Kumar without knowledge of keeping of the liquor on the said motorcycle. He has been falsely implicated in the case. He has no criminal antecedent. He has been languishing in custody since 23.06.2018.

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 A.D.J.-II, Madhepura in connection with Excise Case No. 263 of 2018 arising out of Uda Kishunganj P.S. Case No. 173 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

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