

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53477 of 2018

Arising Out of PS. Case No.-181 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Md. Hasnain Ansari, S/o Md. Kalam Ansari, R/o Vill-Belkhori, P.S.-
Mayurhand, Distt-Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Rajeev Nayan

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

ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Excise
Case no. 181 of 2018 registered for the offence punishable
under Sections 30(a) and 56(d) of the Bihar Prohibition and
Excise Act, 2016.

61.5 lts. of foreign liquor is said to have been
recovered from the box made beneath the seat of the Bolero
vehicle and petitioner, who happens to be its driver while
Sandip Kumar Yadav its khalasi were apprehended.

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 with



the seized liquor. He happens to be driver of the aforesaid vehicle and was plying the same as per instruction of its owner without any knowledge of keeping of liquor in the box made beneath the seat of the vehicle by its owner. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 15.05.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya in connection with Excise Case no. 181 of 2018.

(Prakash Chandra Jaiswal, J)

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