

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35376 of 2018

Arising Out of PS.Case No. -130 Year- 2018 Thana -BEUR District- PATNA

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Dharmendra Choudhary @ Dharmendra Kumar Son of Dhuri Choudhary
Resident of Village- Panpura, P.S. Dhanarua, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 23-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

670 litres of toddy is said to have been recovered
from the tempo and the petitioner who happens to be its driver and
one other accused namely Mukesh Kumar Chaudhary sitting in the
said tempo 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
with the seized toddy. He happens to be simple driver of the



vehicle in question and he had no knowledge of carrying of the aforesaid toddy in the tempo by its commuter namely Mukesh Kumar Chaudhary. He has been falsely implicated in the case. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 04.05.2018. Said Mukesh Kumar Chaudhary has been enlarged on bail by a co-ordinate bench of this court vide order dated 02.07.2018 passed in Cr. Misc. No. 36299 of 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 Special Judge, Excise, Patna in connection with Special Case No. 4207 of 2018 arising out of Beaur P.S. Case No. 130 of 2018.

(Prakash Chandra Jaiswal, J)

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