IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53155 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- GAMAHARIYA District- Madhepura

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Lalit Sharma, S/o Chinay Sharma, R/o Vill-Rampur, Ward no. 12, P.S. Pipra, District-Supaul.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 29-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Gamharia P.S. Case no. 27 of 2018 registered for the offence punishable under Sections 25(1-b)a/26/35 of Arms Act and Section 30(a) of Bihar Excise and Prohibition Act-2016.

168 lts. of Nepali liquor is said to have been recovered from the tempo and one loaded country made pistol from possession of the petitioner. Petitioner is said to be driver of the said tempo.

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

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the seized articles. He happens to be driver of the said tempo and he had no knowledge of keeping of liquor in the tempo by its commuter, who managed to escape leaving the cartoon containing liquor on the tempo seeing the police personnel. He has been falsely implicated in this case at the instance of his enemy. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 01.03.2018.

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 A.D.J-II-cum-Special Judge, Excise Act, Madhepura in connection with Gamharia P.S. Case no. 27 of 2018.

(Prakash Chandra Jaiswal, J)

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