

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46858 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- GARMDAGA District- Kishanganj

Kartik Sarkar, S/o Kewal Ram Sarkar, R/o Bagrakot Shraban Nagar Ward no.
20, Jail Khana Road Siliguri, P.S. Siliguri, Distt-Darjeeling (W.B.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : Mr. Ram Bachan Singh

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

ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Garbandanga P.S. Case No. 28 of 2018 registered for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

811 lts. of foreign liquor is said to have been
recovered from pick up van kept hidden beneath the bag of the
onion and vegetable and co-accused, namely, Mahadev Barman,
who is said to be driver of the said vehicle and petitioner sitting
in it 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 either with the seized liquor or with the vehicle in question. He happens to be vegetable vendor and was carrying his vegetable on the aforesaid vehicle and he had no knowledge of keeping of liquor beneath the bag of vegetable. He has been falsely implicated in this case. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 14.05.2018. The aforesaid Mahadev Barman has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 09.07.2018 passed in Cr. Misc. no. 39742 of 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 Addl. District and Sessions Judge-II-cum-Special Judge, Excise, Kishanganj, in connection with Garbandanga P.S. Case No. 28 of 2018.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

