

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51379 of 2018

Arising Out of PS.Case No. -22 Year- 2018 Thana -AGRER District- SASARAM (ROHTAS)

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Rakesh Kumar, S/o. Kalika Singh, R/o. Village- Ghordihan, P.S.- Kargahar,
District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 21-08-2018 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 30(a) of the Bihar Prohibition
and Excise Act, 2016.

172.800 litres of foreign liquor is said to have been
recovered from the dickey of the Tata Indigo Car and petitioner
who happens to be its driver and another accused, namely, Jainath
Bhagat who happens to be its commuter 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 liquor. He happens to be driver of the said vehicle
and was plying it as per instruction of its owner without



knowledge of keeping of the said liquor in the dickey of the said vehicle by its owner. 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 04.07.2018. Co-accused, namely, Jainath Bhagat has been enlarged on bail by this court vide order dated 06.08.2018 passed in Cr. Misc. No. 47867 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 2nd Additional District and Sessions Judge cum Special Judge, Excise, Rohtas, Sasaram in connection with Agrer P.S. Case No. 22 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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