

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52827 of 2018

Arising Out of PS. Case No.-228 Year-2018 Thana- MALSALAMI District- Patna

Sonu Kumar son of Om Prakash Yadav, resident of Village- Bhaisani Tola,
Police Station- Malsalami, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Smt. Pronati Singh

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

ORAL ORDER

2 28-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Malsalami P.S. Case No. 228 of 2018 registered for the offence
punishable Sections 272, 273 of the I.P.C. and Sections 30(a),
38 and 37(c) of Bihar Prohibition Excise Act, 2016.

86 lts. of country made liquor is said to have been
recovered from the motorcycle and petitioner sitting on the said
motorcycle was apprehended while another accused managed to
escape.

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 motorcycle in question. He has been falsely implicated in this case. He happens to be pillion rider of the said motorcycle and was travelling on it taking lift from its driver without any knowledge of keeping of liquor on the said motorcycle and the driver of the aforesaid motorcycle managed to escape leaving the liquor laden motorcycle seeing the police personnel. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 17.06.2018.

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, Patna in connection with Malsalami P.S. Case No. 228 of 2018.

(Prakash Chandra Jaiswal, J)

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