

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52660 of 2018

Arising Out of PS. Case No.-144 Year-2018 Thana- AMAS District- Gaya

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Jitendra Kumar @ Chhotu Mehta @ Chhotu Kumar Mehta, Son of Naresh Mahto, resident of Shekha, P.S. Moffasil, District- Hajaribagh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 29-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Amas P.S. Case no. 144 of 2018 registered for the offence punishable under Sections 269, 270, 272, 273/34 of I.P.C. and Section 30(A)(d) of the Bihar Prohibition and Excise Act, 2016.

400 lts. of spirit is said to have been recovered from the farm house of Bablu Kumar Sao while 160 lts. of spirit from the Bolero vehicle and petitioner, who happens to be driver of the aforesaid vehicle was apprehended while other accused persons 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 with the seized spirit. He happens to be driver of the aforesaid vehicle and was plying the same as per instruction of its owner without any knowledge of keeping of spirit in the vehicle and on the way, he had parked the vehicle near the aforesaid farm house to attend the call of nature, in the meantime, the police raided the aforesaid farm house and has falsely implicated him in this case while real culprits managed to escape. He had not made any disclosure before the police. He has no criminal antecedent. He has been languishing in custody since 19.06.2018.

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, Gaya in connection with Amas P.S. Case no. 144 of 2018.

(Prakash Chandra Jaiswal, J)

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