

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52655 of 2018

Arising Out of PS.Case No. -378 Year- 2018 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Ashok Mahto @ Ashok Mahton @ Ashok Singh, son of Ram Sevak Singh,
Resident of village – Lakho Nipania, Ward No. 3, P.S.-Muffasil, District –
Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 27-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 272 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

164 litres of foreign liquor is said to have been
recovered from the Bolero pickup van and the petitioner who
happens to be its driver was 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 simple driver of the said



vehicle and was plying it as per the instruction of its owner to transport the cartons kept on the vehicle at the destination without any knowledge of keeping of the liquor in the carton. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 06.07.2018.

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 Addl. Sessions Judge-II cum Special Judge, Excise Act, Begusarai in connection with Muffasil P.S. Case No. 378 of 2018.

(Prakash Chandra Jaiswal, J)

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