

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51702 of 2018

Arising Out of PS. Case No.-163 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Vishal Pandey, S/o Kameshwar Pandey, R/o Vill-Maripur, P.S. Fulwaria,
Distt-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh
For the Opposite Party/s : Smt Indu Kumari Srivastava

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

ORAL ORDER

2 23-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Excise
Case no. 163 of 2018 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

172.800 lts. of foreign liquor is said to have been
recovered from the tempo and petitioner, said to be its driver
was 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 tempo in question. He has



been falsely implicated in this case. He happens to be simple commuter of the said tempo and was travelling on it without any knowledge of keeping of liquor in the tempo and the driver of the tempo managed to escape dumping the aforesaid liquor laden tempo seeing personnel of Excise Department. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 21.07.2018.

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. Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Excise Case no. 163 of 2018.

(Prakash Chandra Jaiswal, J)

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