

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2121 of 2018

Arising Out of PS.Case No. -438 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

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1. Rajesh Kumar S/o Shri Paras Sah, R/o Mohalla- Donarchak, P.S.- Town,
District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 23-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Bahadurpur P.S. Case
No. 438 of 2017 registered under Section 30 (a), 38 and 41
of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 198 liters of foreign
liquor is said to have been recovered from the tempo and the
petitioner and two other accused persons, namely, Niranjana Kumar
Sharma and Baiju Kumar Das 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 been
falsely implicated in this case. He has no criminal antecedent.



Petitioner happens to be the owner of the said tempo and he had given the said tempo to Baiju Kumar Das for plying the same and had no knowledge about keeping the liquor in the said vehicle. The petitioner has been languishing in custody since 19.10.2017. Similarly situated co-accused persons, namely, Niranjana Kumar Sharma and Baiju Kumar Das have been granted bail by a coordinate Bench of this Court in Cr. Misc. No.1144 of 2018 vide order dated 19.01.2018. .

In the facts and circumstances of the case, 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 Additional Sessions Judge-IV-cum-Special Judge, Excise Act, Darbhanga in connection with G.O. Case No.1640 of 2017 (arising out of Bahadurpur P.S. Case No. 438 of 2017).

(Prakash Chandra Jaiswal, J)

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