

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47911 of 2018

Arising Out of PS.Case No. -232 Year- 2018 Thana -MINAPUR District- MUZAFFARPUR

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Jimdar Rajak, Son of Late Val Kishun Rajak, resident of Village- Kanti,
Ward No. 3, P.S. Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

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

ORAL ORDER

3 28-08-2018 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, 414, 273 and 290/34 of the
Indian Penal Code and Sections 30(a), 38, 41 and 48 of the Bihar
Prohibition and Excise Act, 2016.

376.200 litres of foreign liquor is said to have been
recovered from the Maruti Suzuki car and the petitioner who
happens to be its driver was apprehended in the course of escaping
from the said car.

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 driver of the said vehicle and was plying it as per the instruction of its owner without any knowledge of keeping of the liquor in the vehicle by its owner. There is violation of Section 100 Cr.P.C. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 15.06.2018.

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 Special Judge, Excise, Muzaffarpur in connection with Minapur P.S. Case No. 232 of 2018.

(Prakash Chandra Jaiswal, J)

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