

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37368 of 2018

Arising Out of PS.Case No. -398 Year- 2018 Thana -AHIAPUR District- MUZAFFARPUR

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1. Rahul Kumar Son of Sri Shailendra Shahi, resident of Mohalla-Akharaghat, Sadhu Gachi, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra

For the Opposite Party/s : Mrs. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

03 02-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273 & 409/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

84.160 liters of foreign liquor is said to have been recovered from the tempo unloaded from the truck and the petitioner who happens to be owner-cum-driver of the said tempo managed to escape.

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 has been falsely implicated in this case by the police. As a matter of fact, when the petitioner was regressing in the midnight some persons forcibly hired his tempo for transporting some cartons unloading from the truck and petitioner arrived at the place of occurrence obliging the aforesaid persons under coercion and the said persons loaded the cartons on his tempo. He had no knowledge of contents of the cartons loaded on his tempo. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 26.04.2018.

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 Special Judge Excise, Muzaffarpur in connection with Ahiyapur P. S. Case No.398 of 2018.

(Prakash Chandra Jaiswal, J)

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