

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41674 of 2018

Arising Out of PS.Case No. -87 Year- 2018 Thana -DURAULI District- SIWAN

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Suraj Yadav, Son of Ram Lagan Yadav @ Lagan Dev Yadav, Resident of village- Langri Devariya Khas, Ward No. 15, P.S.- Devariya, District- Devariya, (U.P.).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 13-08-2018 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 273/34 of the Indian Penal Code and Sections 30(a), 38(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

1442.88 litres of foreign liquor is said to have been recovered from the 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 driver of the said vehicle and was simply plying the said vehicle as per the instruction of his owner without any knowledge of keeping of the liquor in the carton kept in the vehicle. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 20.04.2018.

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 A.D.J.-II, Siwan in connection with Darauli P.S. Case No. 87 of 2018.

(Prakash Chandra Jaiswal, J)

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