

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41564 of 2018

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1. Jasmindra Kumar @ Jasbindra Kumar son of Gauri Sahni @
Gaurishankar Sahni, resident of Village- Sirha Kothi, P.S. Pakridayal,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Mukeshwar Dayal

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

03 31-07-2018 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 302, 120 (b), 414 and 34 of the
Indian Penal Code and Section 30 (a) and 45 of the Bihar
Prohibition and Excise Act, 2016.

198.36 liters of foreign liquor is said to have been
recovered from the Honda City car and the driver of the said
vehicle managed to escape while the petitioner sitting in the said
vehicle was apprehended. After interception of the aforesaid
vehicle, the Scorpio arrived there dashing personnel of the SAP
resulting fatal injury to him and fled away.

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 either with the seized liquor or the vehicle in question. He happens to be a simple commuter and had no knowledge of keeping of the said liquor in the vehicle while the driver of the vehicle managed to escape seeing the police party leaving the liquor laden vehicle there. The accident of the SAP personnel did not take place by the vehicle in which the petitioner was sitting rather by the Scorpio which arrived there later to the interception of his vehicle by the police personnel. He has been falsely implicated in this case by the police. He has no criminal antecedent and has been languishing in custody since 07.02.2018.

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, East Champaran at Motihari in connection with Rajepur P.S. Case No.20 of 2018.

(Prakash Chandra Jaiswal, J)

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