

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43812 of 2018

Arising Out of PS.Case No. -84 Year- 2018 Thana -SARAIYA District- MUZAFFARPUR

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Ompal Singh son of Lokesh, resident of Village- Muthiyani, P.S.- Jarcha
(Jaicha), District- Gautambudh Nagar, Uttar Pradesh.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party : Mr. Dashrath Mehta, APP-157

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

ORAL ORDER

3 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, 273 414/34 of the Indian Penal Code and Sections 30 (a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

2169 liters of foreign liquor is said to have been recovered from the truck 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. The petitioner happens to be driver of the truck and lives in other State. He had no knowledge of the loading of the



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said liquor in truck. He has been falsely implicated in this case. He has no criminal antecedent and has been languishing in custody since 16.03.2018.

On the other hand, learned A.P.P. for the State vehemently opposing the prayer for bail submitted that the petitioner happens to be driver of the said truck and huge quantity of liquor has been recovered from the truck, hence he does not deserve for bail.

In the facts and circumstances of the case, the prayer for bail of the petitioner is hereby rejected. However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within a period of six months from the date of receipt/production of a copy of this order. The Superintendent of Police, Muzaffarpur is directed to produce the witnesses on each and every date fixed in the case without fail.

(Prakash Chandra Jaiswal, J)

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