

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44668 of 2018

Arising Out of PS. Case No.-271 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Dilip Kumar @ Dilip Pandit son of Jagdev Pandit resident of village -
Singhiya Hiwan, P.S. - Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Uday Pratap Singh

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

ORAL ORDER

3 07-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Excise
Case no. 271 of 2018 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

291 lts. of Nepali Saufi wine is said to have been
recovered from under the seat of the tempo and petitioner, who
happens to be its driver was apprehended while one other
accused, namely, Jitendra Sahni sitting on the tempo managed to
escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern with the seized liquor. He happens to be driver of the said tempo and was plying the same without any knowledge of carrying of liquor under the seat by its commuter, who managed to escape seeing personnel of Excise Department leaving aforesaid liquor in the tempo. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 12.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII-cum-Special Judge, Excise, Motihari, East Champaran in connection with Excise Case no. 271 of 2018.

(Prakash Chandra Jaiswal, J)

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