

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61697 of 2017

Arising Out of PS. Case No.-242 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

Abdul Kudush son of Md. Ekbal resident of village - Shanchira, P.S. Nagar,
District - Saharanpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. HUMAYOU AHMAD KHAN

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 272, 273, 420 of the I.P.C. and Sections 30(a), (b), (c) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 2752 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.08.2017 and has got no criminal antecedent. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 2752 liters wine is recovered from the truck in question. The petitioner is said to be the owner of the truck, which was used as public carrier. The



petitioner had no knowledge regarding the nature of goods in question booked by the transporter. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Gopalganj in connection with Kuchikot P.S. case No.242 of 2017.

(Sudhir Singh, J)

Narendra/-

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