

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25490 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- NAUGACHIA District- Bhagalpur

Keshav Kumar S/o Binod Kumar Sharma, R/o Vill.- Hatgachi Madhura, P.S.-
Sourbazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Opposite Party/s : Mr. Asharaf Ansari

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

ORAL ORDER

2 02-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Naugachiya P.S. Case no. 28 of 2018 registered under Sections
30(A), 38(i) of Bihar Prohibition & Excise Act-2016.

114.72 lts. of foreign liquor is said to have been
recovered from a car and petitioner who happens to be its driver
and one other accused, namely, Amit Kumar @ Baudha sitting
on the said car were apprehended.

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 has been falsely implicated in the case at



the instance of his enemy. He happens to be driver of the said car and had no knowledge of carrying the aforesaid liquor in the cartoon by its commuter, namely, Amit Kumar @ Baudha. Though, one more case under Excise Act has been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 08.02.2018.

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 Special Judge, Excise, Bhagalpur in connection with Naugachiya P.S. Case no. 28 of 2018.

(Prakash Chandra Jaiswal, J)

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