

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15823 of 2018

Arising Out of PS. Case No.-479 Year-2017 Thana- DIGHA District- Patna

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MUKESH KUMAR @ MUKESH RAY, Son of Kameshwar Yadav, Resident
of Ramjee Chak, Yadav Gali, Police Station- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. UDAY CHAND PRASAD

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-03-2018 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 30(a), 38(i) of the Bihar Prohibition
and Excise Act, 2016 and Sections 20 and 22 of the N.D.P.S.
Act.

Prosecution case, in short, is that 3 liters foreign liquor
is recovered from the petitioner and 250 gram ganja is recovered
from the possession of Chandu Paswan.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 13.12.2017 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 3 liters



foreign liquor is recovered from the petitioner and 250 gram ganja is recovered from the possession of Chandu Paswan. The alleged recovery of ganja is below the commercial quantity as per N.D.P.S. Act. There is no compliance of Section 100 Cr.P.C and Section 42 of the N.D.P.S. Act.

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 Special Judge, Excise, Patna in connection with Special Case No. 9191/2017 (Digha P.S. Case No. 479 of 2017).

(Sudhir Singh, J)

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