

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4128 of 2018

Arising Out of PS.Case No. -305 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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Brajesh Kumar, S/o Jagdish Rai, R/o Vill.+P.O.- Chak Sikandar , P.S.-
Tajpur, Distt.- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party : Smt. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
01.10.2017 in a case for the offence registered under Sections
30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 270 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet/prosecution report has been submitted in this case.
There is no allegation of tampering with the witnesses alleged
against the petitioner. The petitioner has falsely been implicated in
the present case. It is alleged that total 270 liters wine is recovered



from the Pick-up Van in question. The said Pick-up Van is used as a Public Carrier. The name of the petitioner has come on the basis of alleged recovery made from the Pick-up Van in question. The petitioner is the driver-cum-owner of the said Pick-up Van in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner had no knowledge regarding the nature of goods booked by the Transporter on the said Pick-up Van. 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, let 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, in connection with Tajpur P.S. Case No. 305 of 2017 (G.R. No. 2819 of 2017).

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(Sudhir Singh, J)