

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31240 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- PATLIPUTRA District- Patna

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Mukesh Kumar S/o Shiv Jee Rai Resident of Jamalpur Raghapur, P.S.
Raghapur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Upendra Kumar

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

ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Patliputra P.S. Case No. 83 of 2018 registered under Section
30(a) (b) of Bihar Prohibition and Excise Act-2016.

295 Kg. *Bhang* is said to have been recovered
from Tata Magic vehicle and driver of the said vehicle managed
to escape while the petitioner sitting in the said vehicle was
apprehended, who disclosed about carrying of the said article
from Raghapur.

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 either with the seized *Bhang* or with the vehicle in question. As a matter of fact, he had gone to *Harijan* colony to meet one of his relative, and on the way, he was apprehended by the police merely on suspicion while the driver of the vehicle managed to escape leaving the vehicle seeing the police party. There is no independent witness of the occurrence and moreover statement of the seizure list witnesses have also not been recorded by the I.O. during course of investigation in the case diary. He has no criminal antecedent. He has been languishing in custody since 06.03.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Patliputra P.S. Case No. 83 of 2018.

(Prakash Chandra Jaiswal, J)

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