

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42195 of 2018

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Rakesh Kumar, S/o Ramnath Prasad, R/o Vill.- Barari, P.S.- Gauri Bazar,
District- Deoria (U.P.).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 13-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 120B, 420, 201, 272, 273 and 308 of the Indian Penal Code and Section 30 (A)/38/41 of the Bihar Prohibition and Excise Act, 2016.

209.52 liters foreign liquor is said to have been recovered from a Honda City car and petitioner who happens to be driver of the said car was apprehended while two other persons managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized liquor. The petitioner happens to be driver of the car in



question and had no knowledge of keeping the said liquor in the car. He was plying the car at the instruction of his owner and the real culprit managed to escape seeing the police party. He has no criminal antecedent and has been languishing in custody since 03.04.2018.

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 Additional Sessions Judge 2nd -cum-Special Judge Excise, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case No. 82 of 2018.

(Prakash Chandra Jaiswal, J)

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