

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43343 of 2018

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Rajeev Kumar S/o Late Nasib Lal Ray, Resident of Vill.- Muksudpur, P.S.-
Minapur, District- Muzaffarpur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Adv.

For the Opposite Party : Mr. Nand Kishore Pd. APP-38

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

ORAL ORDER

2 18-07-2018 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 401 and 414/34 of the Indian
Penal Code and under Sections 28 Arms Act and 37(a) and 37(b)
of the Bihar Prohibition and Excise Act, 2016.

Four accused persons are said to have arrived on a
Indica car to commit some offence. Out of them three including
the petitioner was apprehended in inebriated condition and one
managed to escape. From the possession of each of the two
apprehended accused persons, namely, Kamlesh Rai and
Lakhindra Rai one loaded air pistol was recovered while Rs.100/-



was recovered from the possession of the petitioner.

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 article. He was travelling in the aforesaid car by taking lift from its driver and had no knowledge of keeping the aforesaid arms and ammunition by the occupants of the car. There is violation of Section 100 Cr.P.C. He had not consumed liquor. He happens to be a teetotaler. The said Kamlesh Rai and Lakhindar Rai have been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No.36760 of 2018 vide order date 28.06.2018. He has no criminal antecedent and has been languishing in custody since 28.04.2018.

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 Special Judge Excise Act , Muzaffarpur in connection with Minapur P.S. Case No. 178 of 2018.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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