

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42902 of 2018

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Aakash Kumar, Son of Shyam Sundar Sah, Resident of village – Murliganj,
Ward No.2, Police Station – Murliganj, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 17-07-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Around 7 litres of country made liquor is said to
have been recovered from the motorcycle and the petitioner and
one other accused namely Mithu Kumar riding on the said
motorcycle were apprehended and from possession of the
petitioner, cash of Rs. 6000/- was also recovered which is said to
be sale proceeds as per the account 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



either with the seized liquor or with any trade of liquor. He has been falsely implicated in the case at the instance of his enemies. He has not made any statement before the police. The recovered money is hailing to the petitioner which is not sale proceeds. He happens to be driver of the said motorcycle and was driving the same without knowledge of carrying of the liquor by its pillion rider namely Mithu Kumar. He has no criminal antecedent. He has been languishing in custody since 16.05.2018.

Considering the facts aforesaid, 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 Addl. District and Sessions Judge-II - Special Judge, Excise Act, Madhepura in connection with Murliganj P.S. Case No. 163 of 2018.

(Prakash Chandra Jaiswal, J)

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