

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48043 of 2018

Arising Out of PS.Case No. -134 Year- 2018 Thana -GUTHNI District- SIWAN

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Devendar Yadav @ Devendra Yadav Son of Subash Yadav Resident of
Village- Chhitauni, P.S. Bankatta, 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. Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 07-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 272 and 273 of the Indian Penal
Code and Section 30(a), 38(a) and 41(1) of the Bihar Prohibition
and Excise Act, 2016.

120.960 litres of foreign liquor is said to have been
recovered from the back seat of the Tata Safari and the petitioner
who happens to be its driver was apprehended from the said
vehicle in the course of escaping.

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. He happens to be driver of the said vehicle and was plying it without any knowledge of keeping of the liquor in the carton on the back seat of said vehicle by its commuter who managed to escape seeing the police personnel. He has been falsely implicated in the case at the instance of his enemies. Though eight more criminal cases have been lodged against the petitioner, but none of the aforesaid cases is under Excise Act. Moreover, petitioner has been enlarged on bail in all the aforesaid cases. He has been languishing in custody since 28.05.2018.

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. Sessions Judge-II cum Special Judge, Excise, Siwan in connection with Guthani P.S. Case No. 134 of 2018 with condition that one of bailors must be family member of the petitioner.

(Prakash Chandra Jaiswal, J)

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