

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45046 of 2018

Arising Out of PS.Case No. -379 Year- 2018 Thana -PHULWARI District- PATNA

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Akhilesh Pandit, S/o Dev Nandan Pandit, Resident of village – Behrama,
P.S.-Pipra, District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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

2 25-07-2018 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 30(a)(b)(c) of the Bihar
Prohibition and Excise Act, 2016.

50 litres of country made liquor is said to have been
recovered from the bag kept in the tempo and the petitioner who
happens to be its driver was apprehended.

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 simple driver of the said
tempo and had no knowledge of carrying of the liquor in the bag
in the tempo by its commuter who managed to escape leaving the



aforesaid bag in the tempo seeing the police party. He has been falsely implicated in the case. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 23.05.2018.

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 Special Judge, Excise, Patna in connection with Spl. Case No. 4855 of 2018 arising out of Phulwarisharif (Janipur) P.S. Case No. 379 of 2018.

(Prakash Chandra Jaiswal, J)

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