

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51548 of 2018

Arising Out of PS.Case No. -504 Year- 2018 Thana -MADHEPURA District- MADHEPURA

=====

Nikhil Kumar, S/o. Ramlakhan Yadav @ Lakhan Pd. Yadav, R/o. Village-
Morkahi, P.S.- Saur Bazar (Patrghat O.P.), District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Madan Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 23-08-2018 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.

43.125 litres of foreign liquor is said to have been
recovered from the tempo and petitioner who happens to be its
driver was apprehended while two other accused 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. He happens to be driver of the said vehicle
and was plying it without knowledge of keeping of the liquor in



the tempo by its commuter who managed to escape leaving the aforesaid carton containing liquor there seeing the police personnel. He has been falsely implicated in the case. He has no criminal antecedent. He has been languishing in custody since 06.07.2018. Owner of the vehicle, namely, Pawan Kumar @ Pawan Kumar Roy has been enlarged on regular bail by this court vide order dated 16.08.2018 passed in Cr. Misc. No. 50342 of 2018 while other co-accused Santosh Yadav has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 02.08.2018 passed in Cr. Misc. No. 47323 of 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 Additional District Judge, 2nd cum Special Judge, Excise Act, Madhepura in connection with Madhepura P.S. Case No. 504 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

U		T	
---	--	---	--

