

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25755 of 2018

Arising Out of PS.Case No. -103 Year- 2018 Thana -MAKHDUMPUR District- JEHANABAD

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Rajesh Kumar @ Rakesh Kumar, Son of Raj Kishore Singh @ Raj Kishore
Yadav @ Raj Kishore Prasad, Resident of Village- Jafara, P.S.- Belaganj,
District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

4 27-06-2018 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 420, 467, 471 and 120B of the
Indian Penal Code and Sections 30(a) and 30(c) of the Bihar
Prohibition and Excise Act, 2016.

193 litres of foreign liquor is said to have been
recovered from the Belero and the petitioner who happens to be
owner-cum-driver of the said vehicle and the person sitting in the
said vehicle were 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. As a matter of fact, the liquor was unloaded from the container and the petitioner while passing through the place of occurrence at the time of occurrence was falsely implicated in the case by the police merely on suspicion. There is violation of Section 100 of the Code of Criminal Procedure. He has no criminal antecedent. He has been languishing in custody since 01.04.2018. Similarly situated co-accused namely Karan Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 22.05.2018 passed in Cr. Misc. No. 30561 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 Addl. Sessions Judge-II, Jehanabad in connection with Excise Case No. 328 of 2018 arising out of Makdumpur P.S. Case No. 103 of 2018.

(Prakash Chandra Jaiswal, J)

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