

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23784 of 2018

Arising Out of PS.Case No. -385 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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Santosh Kumar, Son of late Kedar Singh, Resident of Village-Phuladh
Mansurpur, P.S. + District-Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Rana Randhir Singh

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

ORAL ORDER

3 02-07-2018 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, 273 and 414/34 of the
Indian Penal Code and Sections 30(a), 32(II), 38(II) and 41(I) of
the Bihar Prohibition and Excise Act, 2016.

918.7 litres of foreign liquor is said to have been
recovered from the truck kept in the carton and petitioner who
happens to be driver of the said truck and its khalasi namely
Sandeep Kumar 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. He happens to be simple driver of the truck in question and had no knowledge of keeping of the liquor in the carton mingled with the carton of medicine on the truck by its owner. He was simply transporting the aforesaid cartons as per the instruction of his owner. He has no criminal antecedent. He has been languishing in custody since 19.10.2017.

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, Muzaffarpur in connection with Saraiya P.S. Case No. 385 of 2017.

(Prakash Chandra Jaiswal, J)

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