

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7867 of 2018

Arising Out of PS.Case No. -194 Year- 2017 Thana -BALRAMPUR District- KATIHAR

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1. Ashish Kumar Jha, Son of Late Kashinath Jha, resident of Mohalla-
Laxmisagar, Naka Number- 8, Ward No.- 14, Police Station- LNMU Police
Station, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Nand Jha

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Balrampur
P.S. Case No.194/2017 registered under Sections 272, 273 of
Indian Penal Code and Sections 30(a) of Bihar Prohibition and
Excise Act, 2016.

107.750 liters of foreign liquor is said to have been
recovered from the Tata Indigo Car. The petitioner and other
accused namely Ashwani 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. The petitioner has been



falsely implicated in this case. The petitioner happens to be the driver-cum-owner of the vehicle in question and had no knowledge of keeping of liquor in the car by its commuter Ashwani Kumar. The said Ashwani Kumar has been enlarged on bail by co-ordinate Bench of this Court in Cr. Misc. No.3291 of 2018 vide order dated 31.01.2018. The petitioner has got no criminal antecedent. He has been languishing in custody since 27.10.2017.

In the facts and circumstances of the case, 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 learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Katihar, in connection with Balrampur P.S. Case No.194/2017.

(Prakash Chandra Jaiswal, J)

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