

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35166 of 2018

Arising Out of PS.Case No. -286 Year- 2018 Thana -BARACHATTI District- GAYA

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Birendra Kumar S/o Umesh Prasad, Resident of Village- Lakhaipur P.S.
Barachatti (Mohanpur) District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 414 of the Indian Penal Code
and Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

750 Kg of Mahua is said to have been recovered
from the pick up van and petitioner sitting in the said van was
apprehended while its driver namely Pawan Prasad 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
either with the seized article or with the vehicle in question. He



happens to be simple commuter and was travelling in it taking lift from its driver without knowing keeping of the aforesaid Mahua in the pickup van. None of the witnesses in the case diary has named the petitioner either as the owner or driver of the vehicle in question in their respective statements. He has no criminal antecedent. He has been languishing in custody since 28.04.2018.

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, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 286 of 2018.

(Prakash Chandra Jaiswal, J)

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