

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63651 of 2017

Arising Out of PS.Case No. -132 Year- 2017 Thana -BALRAMPUR District- KATIHAR

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Mannu Prasad Kushwaha, Son of Yogendra Prasad, Resident of village-
Chandrahiya, P.S.- Muffasil, Motihari, District- Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bidhan Chandra Jha

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

8 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 272 and 273 of the Indian Penal
Code and Section 33 of the Bihar Prohibition and Excise Act,
2016.

200 litres of spirit is said to have been recovered
from the Bolero concealed in the tank under the seat of the vehicle
and the petitioner who happens to driver of the said vehicle was
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 spirit. He happens to be driver of the vehicle in question and he had no knowledge of keeping of the said spirit in the vehicle. He was simply plying the aforesaid vehicle as per the instruction of its owner. He has no criminal antecedent. He has been languishing in custody since 14.07.2017.

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 A.D.J.-II cum Special Judge, Excise, Katihar in connection with Balrampur P.S. Case No. 132 of 2017.

(Prakash Chandra Jaiswal, J)

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