

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47461 of 2018

Arising Out of PS.Case No. -109 Year- 2018 Thana -GOH District- AURANGABAD

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1. Rakesh Paswan S/o Jagdish Paswan, R/o Vill.- Soneversa, P.S.- Rafiganj,
District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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

2 03-08-2018 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 30 (a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

98 liters of foreign liquor is said to have been recovered from the Tempo and the petitioner who happens to be driver of the said Tempo 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 liquor. The petitioner happens to be driver of the said tempo and he had no knowledge of keeping of the said liquor in



the vehicle by its commuter who managed to escape leaving the carton containing liquor in the tempo seeing the police party. He has been falsely implicated in this case. The seizure list does not bear the signature of the petitioner. There is violation of Section 100 Cr.P.C. Though one more case under the Excise Act has been lodged against the petitioner but he is on bail in the said case. He has been languishing in custody since 24.05.2018.

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 the learned Additional Sessions Judge-VII-cum-Special Judge Excise Act, Aurangabad (Bihar) in connection with Goh P.S. Case No. 109 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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