

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50342 of 2018

Arising Out of PS.Case No. -504 Year- 2018 Thana -MADHEPURA District- MADHEPURA

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Pawan Kumar Roy @ Pawan Kumar, S/o Late Yogesh Chandra Roy @ Kantji, resident of village – Jaisalpatti, Ward No. 15, P.S.-Madhepura, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

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

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 16-08-2018

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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

43.125 litres of foreign liquor is said to have been recovered from the tempo and its driver namely Nikhil Kumar was apprehended who divulged that the aforesaid liquor was to be transported on the tower of the petitioner. Petitioner and one other accused namely Virendra Yadav managed to escape jumping from his tempo seeing the police personnel.

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 liquor or vehicle in question or any trade of liquor. He has been falsely implicated in the case by the apprehended accused Nikhil Kumar due to animosity. Barring the aforesaid disclosure made by the apprehended accused, there is nothing in the record indicating the complicity of the petitioner in the occurrence. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 18.07.2018.

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 Addl. Sessions Judge-II cum Special Judge, Excise, Madhepura in connection with Madhepura P.S. Case No. 504 of 2018.

(Prakash Chandra Jaiswal, J)

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