

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42806 of 2018

=====

Bharat Kumar, Son of Late Belli Mahto @ Late Belly Prasad, resident of
Mohalla- Khemni Chak, P.S.- Ram Krishna Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay

For the Opposite Party/s : Mr. Dashrath Mehta

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 17-07-2018 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 and Sections 25(1-b)a, 26 and 35 of the
Arms Act.

Five tempo borne criminals are said to have
plundered Rs. 10503/-, Aadhar Card, key, mobile, etc. of the
informant and escaped away and entered into a room from where
all the accused persons including the petitioner were apprehended
and from possession of the petitioner, Rs. 1000/- was seized while
1.200 litres of country made liquor was recovered from the said
room and fire arms, ammunitions and cash were recovered from
the rest of the accused persons.

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 articles. He has also no concern with the aforesaid occurrence. As a matter of fact, the petitioner happens to be owner of the tempo and Baiju Kumar had taken his tempo on hire for plying and after plying he along with three other accused persons came to him to return his tempo. In the meantime, police raided the house and apprehended the petitioner and aforesaid accused persons. The money seized from the possession of the petitioner is hailing to him. Petitioner was not put on T.I.P. Though two more criminal cases have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 16.03.2018. Similarly situated co-accused, namely, Rahul Kumar has been enlarged on bail by the learned lower court.

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 Act, Patna in connection with Ram Krishna Nagar P.S. Case No. 95 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

U		T	
---	--	---	--

