

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45647 of 2018

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Budhan Kumar, S/o Sh. Suresh Paswan, R/o Village – Daudnagar, P.S.-
Bidupur, District – Vaishali, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 27-07-2018 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 Sections 414 and 120B of the Indian
Penal Code and Sections 30(a) and 35(a) of the Bihar Prohibition
and Excise Act, 2016.

3385.08 litres of foreign liquor is said to have been
recovered from the truck and its driver namely Hargindra Singh
was apprehended while its khalasi managed to escape. Said driver
named the petitioner in the occurrence citing his mobile number as
one of the purchasers of the said liquor.

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 with the vehicle in question or with any trade of liquor. He has been falsely implicated in the case by the aforesaid driver of the said vehicle due to animosity. Barring the aforesaid disclosure, 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 06.05.2018. Aforesaid driver namely Hargindra Singh has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.02.2018 passed in Cr. Misc. No. 11981 of 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. District Judge-II cum Special Judge, Vaishali in connection with Sarai P.S. Case No. 228 of 2017.

(Prakash Chandra Jaiswal, J)

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