

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53766 of 2018

Arising Out of PS.Case No. -48 Year- 2018 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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Golu Kumar son of Nandn Ray @ Madan Ray resident of Village-
Dharmagatpur Bathua P.S- Pusa, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh, Advocate

For the Opposite Party/s : Smt. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 30-08-2018 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 272, 273/34 of the Indian Penal
Code and Sections 30(a), 38 of the Bihar Prohibition and Excise
Act, 2016.

1755 litres of foreign liquor is said to have been
recovered from the Bolero and Two Trucks and driver of the
Truck, namely, Nirmal Singh and another accused, namely,
Raunak were apprehended and the other accused managed to
escape. Apprehended accused disclosed the name of the petitioner
as their fleeing accomplice in the occurrence.

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 Truck in question or any trade of liquor. He has been falsely implicated in the case by the apprehended accused. Barring the aforesaid disclosure made by the apprehended accused, there is nothing in the record indicating the complicity of the petitioner in the occurrence. The petitioner was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 27.07.2018. Similarly situated co-accused, namely, Mahesh Kumar and Munna Kumar have been enlarged on bail by a co-ordinate bench of this court vide orders dated 19.07.2018 and 1.08.2018, passed in Cr. Misc. Nos. 43273 of 2018 and 46744 of 2018 respectively.

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 Additional District and Sessions Judge-Cum- Special Judge, Excise Act, Samastipur in connection with N.H. Bangra P.S. Case No. 48 of 2018.

(Prakash Chandra Jaiswal, J)

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