

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35959 of 2018

Arising Out of PS.Case No. -432 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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KUMAR SAHEB @ KUMAR SAHAB S/o Ram Naresh Yadav @ Sri Ram Naresh Raj, resident of Village- Gossaipur Tengrahan, Tole Maltoli, P.S.- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 29-06-2018 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 120(B) of the Indian Penal Code and Sections 30, 30(g) and 38(1)(2) of the Bihar Prohibition and Excise Act, 2016.

1134 litres of country made liquor is said to have been recovered from the pickup van parked on the land of Mritunjay Kumar and nine live cartridges were recovered from the possession of said Mritunjay Kumar. Petitioner happens to be owner of the said pickup van.

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 cartridges. He happens to be owner of the said pickup van and had given the said vehicle to its driver for plying the same and he had no knowledge of keeping of the liquor in the said vehicle. He has been falsely implicated in the case at the instance of his enemies. He was not apprehended on the spot. He has no criminal antecedent. He has been languishing in custody since 11.05.2018. Said Mritunjay Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 15.02.2017 passed in Cr. Misc. No. 3833 of 2017.

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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with Runnisaidpur P.S. Case No. 432 of 2016.

(Prakash Chandra Jaiswal, J)

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