

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38570 of 2018

Arising Out of PS. Case No.-428 Year-2017 Thana- PATLIPUTRA District- Patna

Devendra Kumar @ Lambu S/o Sohavan Rai R/o Akhara Road, Yaduvanshi
Nagar, P.S. Digha, District Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Adv.
For the Opposite Party : Mr. Chaubey Jawahar, APP 158

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner seeks bail in connection with Special
Case No. 9050 of 2017 arising out of Patliputra P.S. Case No.
428 of 2017 for offences alleged under Sections 30(a), 38(I(II)
and 41(I) of the Bihar Excise Act.

The prosecution case, as lodged by the police official,
is that a TATA 407 truck, bearing registration no. BEA 1895,
was intercepted and was found carrying 1620 liters of foreign
liquor of which the petitioner is alleged to be the owner.

The learned counsel for the petitioner submits that the
petitioner is innocent, not present at the place of occurrence
although the commercial vehicle belongs to him, but, it was
taken by accused, Devendra Kumar, who had indulged in illegal
liquor transaction. The charge sheet has also been submitted



and the petitioner is languishing in judicial custody since 07.06.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail as the petitioner is involved in one more case of similar nature.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No. 9050 of 2017 arising out of Patliputra P.S. Case No. 428 of 2017 to the satisfaction of the Special Judge, Excise, Patna, subject to the condition that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of is bail bonds.

(Nilu Agrawal, J)

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