

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50994 of 2018

Arising Out of PS. Case No.-223 Year-2018 Thana- SABAUR District- Bhagalpur

Vishwanath Gupta Son of Kashi Prasad Sah, the R/o Thatheri Tola,
Premnagar, Sabour, Distt-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mr. Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with Sabour
P.S. Case no. 223 of 2018 registered for the offence punishable
under Sections 414, 420/34 of I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

17.250 lts. of foreign liquor is said to have been
recovered from beneath the seat of the driver of the tempo and
petitioner sitting in the said tempo was apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or with the tempo in question. He happens



to be commuter of the said tempo and was travelling in it without any knowledge of keeping of liquor in the tempo under the seat of the driver, who managed to escape leaving aforesaid liquor laden tempo seeing the police personnel. He has no criminal antecedent. He has been languishing in custody since 11.07.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge, Excise, Bhagalpur in connection with Sabour P.S. Case no. 223 of 2018.

(Prakash Chandra Jaiswal, J)

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