

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54257 of 2018

Arising Out of PS. Case No.-182 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Arjun Rai S/o Jagdish Rai, R/o Vill.- Banvira, P.S.- Tajpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 03-10-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Motipur P.S. Case No. 182 of 2018 registered under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38(1) and 41 of Bihar Prohibition and Excise Act-2016.

3202.28 lts. of foreign liquor is said to have been recovered from a truck and petitioner, who happens to be its driver and its khalasi, namely, Sudhir Kumar were 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 with the seized liquor. He happens to be driver of the



aforesaid truck and was plying the same as per instruction of its owner and he had no knowledge of keeping of liquor on the said truck beneath the gunny bag of peel of coconut by its owner. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 17.03.2018 and chargesheet in the case has already been submitted. Earlier, the bail prayer of the petitioner was rejected by this Court vide order dated 28.06.2018 with liberty to renew his prayer for bail after framing the charge and now the charge in the case has been framed on 16.07.2018.

In the facts and circumstances of the case, 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 Special Judge Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 182 of 2018.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

