

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54247 of 2018

Arising Out of PS.Case No. -202 Year- 2018 Thana -KASBA District- PURNIA

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1. Birbal Mandal S/o Late Dhananjay Mandal @ Dhandev Mandal, R/o
Vill.- Malhariya, P.S.- Kasba, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar 2

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

02 31-08-2018 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 Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

57.150 liters of foreign liquor is said to have been
recovered from the secret box made in the tempo and the
petitioner who happens to be its driver was apprehended while
three other persons managed to escape.

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 with the



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seized liquor. The petitioner happens to be driver of the tempo in question and he had no knowledge of keeping of the said liquor in the box made by its owner. He was simply plying the tempo as per instructions of his owner. He has no criminal antecedent and has been languishing in custody since 30.07.2018.

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 2nd Additional Sessions Judge-cum-Special Judge Excise, Purnia in connection with Special Excise Case No. 712 of 2018, arising out of Kasba P.S. Case No. 202 of 2018.

(Prakash Chandra Jaiswal, J)

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