

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43558 of 2018

Arising Out of PS.Case No. -314 Year- 2018 Thana -KUDHNI District- MUZAFFARPUR

=====

1. Lalit Paswan @ Tijab @ Tejab, S/o Jageshwar Paswan, Resident of
Village- Anant Kamtaul, P.S.- Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Amitesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 19-07-2018 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 414/34 of the Indian Penal Code
and Sections 30(A), 38(i) and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

565.32 liters of foreign liquor is said to have been
recovered from various places, unloaded there from the Scorpio
and the said Scorpio was apprehended along with the driver
(petitioner).

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 place of recovery or any trade of liquor. The petitioner happens to be driver of the Scorpio and had not unloaded the said liquor from the Scorpio at the aforesaid place. No incriminating article was recovered from the said vehicle. As a matter of fact, the Scorpio was parked in front of his house as evident from the seizure list and the petitioner has been falsely implicated in the case by the police showing the seizure of the aforesaid Scorpio near the Gammon India, on the way to place of occurrence. He has no criminal antecedent and has been languishing in custody since 25.06.2018.

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 Special Judge, Excise Act, Muzaffarpur in connection with Kudhani P.S. Case No. 314 of 2018.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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

