

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48385 of 2018

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Ajit Kumar Sharma, Son of Late Birendra Kumar Sharma, @ Birender Kumar Sharma, Resident of Makhanpur, Idgah Gaighat (Gulzarbagh), P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh

For the Opposite Party/s : Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 10-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Spl. Case no. 5235 of 2018 arising out of Bypass P.S. P.R. no. 45 of 2018 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

90 lts. of foreign liquor is said to have been recovered from jute bag kept in the tempo and petitioner, who happens to be its driver 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 with the seized liquor. He happens to be driver of the said tempo and



was plying the same without any knowledge of carrying of liquor in the jute bag by its commuter, who managed to escape leaving the aforesaid jute bag containing liquor seeing the personnel of Excise Department. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 06.06.2018.

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 Special Judge, Excise, Patna in connection with Spl. Case no. 5235 of 2018 arising out of Bypass P.S. P.R. no. 45 of 2018.

(Prakash Chandra Jaiswal, J)

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