

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48935 of 2018

Arising Out of PS. Case No.-436 Year-2018 Thana- BARACHATTI District- Gaya

Sonu Kumar son of Devendra Singh resident of Village- Khanwan P.S.
Narhat, District Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Ram Naresh Ray

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

ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Barachatti (Mohanpur) P.S. Case No. 436 of 2018 registered for
the offence punishable under Sections 30(A), 38 and 47 of Bihar
Prohibition Excise Act, 2016 and Section 120(B) of the Indian
Penal Code.

116.9 lts. of foreign liquor is said to have been
recovered from Indigo car 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 aforesaid car and was plying the same without any knowledge of carrying of liquor on his car in the cartoon by a commuter, who managed to escape leaving the aforesaid cartoon in the car seeing the police personnel. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 02.07.2018.

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 Special Excise Judge, Gaya in connection with Barachatti (Mohanpur) Case No. 436 of 2018.

(Prakash Chandra Jaiswal, J)

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