

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5845 of 2019

Arising Out of PS. Case No.-832 Year-2018 Thana- ARARIA District- Araria

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BABUL BAHARDAR @ BABUL BAHARPAR son of Bhola Bahardar
Resident of Village - Godi Chock, Ward No. 09, P.S. - Araria, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 26.11.2018 in a case registered for the offences punishable under Section Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a Tata Magic vehicle, 288 litres cough syrup were recovered. Two persons were apprehended from the Tata Magic – who disclosed their name as Babul Bahardar, the petitioner and the co-accused Sujit Kumar.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case on the basis of suspicion and the petitioner has no connection with the seized cough syrup. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal



antecedent.

Learned APP submits that the recovery has been made from the vehicle on which the petitioner and co-accused Sujit Kumar were travelling. It is further submitted that during investigation it transpired that the vehicle in question was being driven by te petitioner, Babul Bahardar. .

Considering the fact that the petitioner is the driver of the vehicle in question and he claims that the seized cough syrup does not belong to him and the prosecution report does not disclose as to who is the owner of the vehicle in question, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period under custody, let the petitioner above named be released 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 Addl. Sessions Judge, Araria in connection with Araria P.S. Case No.832 of 2018.

(Dinesh Kumar Singh, J)

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