

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4124 of 2019

Arising Out of PS. Case No.-402 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Badal Kumar, S/o Om Prakash Gupta, Resident of village-Hunterganj P.S-
Hunterganj, District-Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha
For the Opposite Party/s : Mrs. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
02.11.2018 in a case registered for the offences punishable
under Sections 30(a) and 56(b) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case is that during the vehicle check,
from the vehicle of the petitioner, 360 liters of country made
illicit liquor was recovered.

It is submitted by learned counsel for the petitioner
that the petitioner is neither the owner nor the driver of the
vehicle in question. Statement to that effect has been made in
paragraph no. 10 of the petition which reads as follows:



“10. That it is stated that the petitioner is no way involve in this occurrence, because he is neither the owner nor driver of the said vehicle. Even than he was arrested by the police from the said vehicle.”

A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery of illicit liquor has been made from the vehicle of the petitioner.

Considering the fact that the seizure list does not suggest that whether the petitioner was present in the vehicle in question, moreover the materials on record does not suggest that vehicle in question has been found registered in the name of petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned **Special Excise Judge, Gaya** in connection with **Excise Case NO. 402 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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