

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6160 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

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Krishna Kumar, aged about 23 years male, S/o Hoshiyar Singh, R/o 71, Nar Bana Lattur Nathwali Gali Shamri Buran Shamri, P.S – Shamri, Suran 53, District – Sonipat (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-02-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Ahiyapur P. S. Case No. 398 of 2018 dated 21.04.2018 instituted for the offences under Sections 272, 273, 409 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It appears that 238.80 litres of liquor is said to have been recovered from a vehicle, namely, truck, of which the petitioner is the owner.

Learned counsel for the petitioner has submitted



that the truck was loaded with some consignment of the Unilever as well but for reasons which are unknown to the petitioner, the aforesaid recovery of liquor has been shown.

Learned counsel for the petitioner submits that the recovery though is from the vehicle owned by him but it cannot be said that the recovery is made from his constructive possession.

The petitioner has clean antecedents.

Learned counsel for the petitioner has further submitted that the vehicle also has been provisionally released in favour of the petitioner by an order of this Court passed on 01.11.2018 in C.W.J.C. No. 2493 of 2018.

Regard being had to the aforesaid facts as also taking into account the clean antecedents of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge,



Excise, Muzaffarpur in connection with Ahiyapur P. S. Case
No. 398 of 2018, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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