

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9022 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- MURAR District- Buxar

VINOD KUMAR SINGH S/o Shiv Bachan Singh village-Kulhariya, P.S-
Buxar(M), District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 8.1.2019 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of SI Manoj Kumar, SHO, Murar Police Station dated 15.9.2018 is to the effect that on 14.9.2018 at 10.00 P.M., he received a secret information that a truck loaded with liquor is parked. Thereafter, raid was laid when liquor was being unloaded from the truck. From the truck in question, 3162 litres foreign liquor were recovered and nine motorcycles were also recovered from where 152 litres liquor were recovered. The petitioner was found to



be the owner of the truck in question.

It is submitted by learned counsel for the petitioner that the petitioner was not present at the place of seizure. It is further submitted that co-accused Upendra Kumar has been granted bail vide order dated 27.10.2018 passed in Cr. Misc. No.69072 of 2018, co-accused Sandeep Kumar Singh has been granted bail vide order dated 4.10.2018 passed in Cr. Misc. No.66558 of 2018 and the offence under the Excise Act are not the quantity based offence, hence the case of the petitioner cannot be distinguished.

Learned APP submits that the recovery has been made from the truck of the petitioner.

Considering the fact that the petitioner was not found present on the place of seizure, statement being 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 Additional Sessions Judge -II-cum-Special Judge, Excise Act, Buxar in



connection with Murar P.S. Case No.62 of 2018.

(Dinesh Kumar Singh, J)

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