

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7991 of 2019

Arising Out of PS. Case No.-469 Year-2018 Thana- SARAIYA District- Muzaffarpur

Krishna Kumar, aged about 60 years (M), Son of Umed Singh, Resident of
Village – Sampala, Ward No. 12, P.S.- Sampala, District – Rohtak (Haryana).
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
12.12.2018 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case that from a car which was being
driven by the petitioner, 26.625 litres of foreign illicit liquor
were recovered.

It is submitted by learned counsel for the
petitioner that the petitioner is the driver of the alleged car but
in fact the actual owner of the intercepted car is Rahul
and the petitioner was traveling to Darbhanga, but on
the way, the said car went missing, for which the petitioner
filed a report before the local police station, hence,
the recovery cannot be treated from the possession of the



petitioner. A 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 car which was being driven by the petitioner and this fact was also admitted by the petitioner.

Considering the quantity of recovery and the period under custody, coupled with the statement made in paragraph 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 Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 469 of 2018.

(Dinesh Kumar Singh, J)

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