

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9774 of 2019

Arising Out of PS. Case No.-419 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Md. Kaiser Aalam, Son of Md. Naim, Resident of Village - Konal, PS-
Chakaliya, Dist.-Uttar Dinajpur (W.B).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
29.12.2018 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from an auto rikshaw
which was driven by the petitioner, 30.150 litres of illicit foreign
liquor were recovered.

It is submitted by learned counsel for the petitioner
that the illicit liquor is alleged to have recovered from the auto
rikshaw, was driven by the petitioner, belongs to one of the
passenger of the alleged auto rikshaw and the petitioner has
falsely been framed in the present case. 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 has been made from the auto rikshaw which was driven by the petitioner.

Considering the quantity of recovery and period under custody, materials on record does not suggest that ownership of the auto rikshaw has been ascertained, coupled with the statement being 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 Judge, Excise Act, Purnea**, in connection with **Special Case No. C-1-419 of 2018**.

(Dinesh Kumar Singh, J)

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