

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10660 of 2019

Arising Out of PS. Case No.-400 Year-2018 Thana- DURGAWATI District- Bhabhua
(Kaimur)

SATYAPAL SINGH @ SATPAL SINGH S/o Jita Ram R/o Village- Salempur,
Ward No. 14, P.S.- Cheeka, District- Kaithal, Hariyana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

21 22-02-2019 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 Sections 419, 420 467, 468, 471, 476, 120B of the
Indian Penal Code and Sections 30(a) and 56(b) of the Bihar
Prohibition and Excise Act, 2016.

It is alleged that the petitioner, being the driver of
the truck, was found transporting, 2259 litres of illicit India
made foreign liquor from Haryana to Aurangabad and was
apprehended.

It is submitted by learned counsel for the petitioner
that the petitioner, being the driver of the truck was not about
the consignment being loaded on the truck. 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 said recovery has been made from the truck driven by the petitioner.

Considering the fact that the offences under the Excise Act are not quantity based offences, material on record does not suggest that the actual ownership of the truck in question has been ascertained or the sample of the recovered liquor has been sent for its chemical examination and the period under custody, coupled with 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 Judge (Excise), Kaimur at Bhabua in connection with Excise Case No.1060 of 2018, arising out of Durgawati P.S. Case No. 400 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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