

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10628 of 2019

Arising Out of PS. Case No.-632 Year-2018 Thana- DEHRI TOWN District- Rohtas

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RUKHMANA RAM, Son of Rana Ram, Resident of Village - Nad, P.S.-
Barmer, District- Barmer (Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
10.07.2018 in a case registered for the offence punishable under
Sections 120B, 420, 467, 468 and 471 of the I.P.C. and under
Sections 30(a), 38(i)(ii), 40(i)(ii), 31 and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that from the truck which was



being driven by the petitioner, 5063.940 litres of India made foreign liquor were recovered.

It is submitted by learned counsel from the petitioner that the transportation through container truck in question was made in a sealed container and the petitioner was not aware about the liquor being loaded therein. The bona fide of the petitioner gets reflected from the fact that he did not make an attempt to flee away from the place of seizure when the police intercepted the container 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 seizure has been made from the container truck which was being driven by the petitioner.

Considering the fact that offences under the Excise Act are not weight based offences like that of N.D.P.S. Act and the investigation being already concluded, the prosecution 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, coupled with the 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 **2nd Additional Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram** in connection with **Dehri (Town) P.S. Case No.632 of 2018.**

(Dinesh Kumar Singh, J)

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