

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9040 of 2019

Arising Out of PS. Case No.-212 Year-2018 Thana- NAWANAGAR District- Buxar

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DIPAK @ DEEPAK S/o Rohtas village-Rohna, P.S-Kharkhoda, District-Sonipat (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 05.11.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a pickup van, 3456 litres of India Made Foreign Lquor were recovered. Petitioner was found seated inside the alleged pickup van as a cleaner.

It is submitted by learned counsel for the petitioner that since the petitioner was simply a cleaner of the vehicle in question, he was not aware about the recovered illicit liquor being packed in the concealed cartons loaded in the vehicle in question. It is further submitted that investigation has already been concluded and 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 petitioner being the cleaner of the vehicle in question is responsible for the said recovery.

Considering the fact that the investigation has already been concluded, the actual owner of the alleged vehicle has not been ascertained, the sample of the recovered liquor has not been sent for the chemical examination, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Buxar in connection with Excise G.R. No.840 of 2018, arising out of Nawanagar P.S. Case No. 212 of 2018.

(Dinesh Kumar Singh, J)

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