

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10634 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- MUFFASIL District- Aurangabad

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RANJEET KUMAR @ RAJU GUPTA S/o Mathura Prasad village-Pipara,
P.S-Pipara Dist-Plamu, Jharkhand

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Mohan Murari

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 07.01.2019 in a case registered for the offences punishable under Section 120B of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a Bolero vehicle driven by the petitioner, 45 litres of foreign liquor, 48 litres of Beer and 240 litres of country made illicit liquor were recovered. A motorcycle was also recovered from the place of seizure.

It is submitted by learned counsel for the petitioner that the petitioner was simply a driver of the vehicle in question from which the alleged recovery was made and said recovery has been claimed by some other person. 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 recovery of illicit liquor and Beer have been made from a Bolero vehicle which was driven by the petitioner.

Considering the fact that the offences under the Excise Act are not quantity based offences like that of NDPS Act 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), Aurangabad, in connection with Aurangabad (Muffasil) P.S. Case No. 03 of 2019.

(Dinesh Kumar Singh, J)

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