

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21739 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- PATNA RAIL P.S. District- Patna

ADITYA KUMAR @ PAWAN KUMAR Son of Sri Vishun Choudhary @ Vishnu Choudhary, Resident of Mohalla-Ghagha Ghat, Mahendru, Ward No.49, Police Station-Sultanganj, (wrongly mentioned in the F.I.R. as Police Station-Malsalami), District and Town-Patna. ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

Appearance :

For the Petitioner : Mr.Murari Prasad Sinha, Advocate

For the Opposite Party : Mr.Abhay Kumar Roy, Addl Public Prosecutor

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 27.02.2019 in connection with Special Case No. 2219 of 2019, arising out of Patna Junction Police Station Case No. 79 of 2019 for the offence alleged under Sections 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case, as lodged by the police personnel is that the petitioner was apprehended along with other co-accused on the railway platform and on search 18.750 liters of IMFL was recovered which was concealed in a bag. Accordingly, seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. Petitioner is languishing in judicial custody since 27.02.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the materials on record, and that the petitioner bears no criminal history as stated in paragraph 3 of the bail application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Special Case No. 2219 of 2019, Patna Junction Police Station Case No. 79 of 2019, to the satisfaction of learned Special Judge, Excise Act, Patna.

(Nilu Agrawal, J)

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