

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28878 of 2019

Arising Out of PS. Case No.-131 Year-2018 Thana- BANKA District- Banka

MAHESH KUMAR Son of Madho Mandal Village- Karhariya, P.S.- Banka,
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma
For the Opposite Party/s : Mrs. Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 06-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Excise and Prohibition Act, 2016.

9 liters of foreign liquor is said to have been recovered from the carton kept by Rajesh Kumar on the motorcycle while co-accused Shantanu Kumar was driving the said motorcycle and both accused persons were apprehended.

The petitioner is quite innocent and has been falsely implicated in this case. He has no concern either with the seized liquor or any trade of liquor. As a matter of fact, he happens to be owner of the said motorcycle and has given the



said motorcycle to his son Shantanu Kumar for driving and while his son was driving co-accused Rajesh Kumar took lift on the motorcycle with a carton. The aforesaid Rajesh Kumar was apprehended with the liquor riding on the said motorcycle. No offence under the Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II, Banka in connection with Banka P.S. Case No. 131 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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