

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33988 of 2019

Arising Out of PS. Case No.-84 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

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MOHAN LAL Son of Manu Prasad Resident of 80, D-Block, Laxmi Park,
Nangloi Nilothi, Nilothi, West Delhi, P.S.- Nangloi, Delhi - 110041

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Mr. Ansar Ul Haque

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

ORAL ORDER

3 08-08-2019 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 272 & 273/34 of the Indian Penal Code and
Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

30 liters of foreign liquor is said to have
been recovered from the vehicle of the petitioner and the
driver of the vehicle, namely, Vijay Yadav and one of its
occupant, namely, Shankar Yadav were apprehended. The
driver of the vehicle divulged that he carries the trade of
liquor in connivance of its owner i.e. the petitioner.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has been falsely implicated in the case. He has no concern either with the seized liquor or any trade of liquor. He happens to be resident of Delhi and has given the aforesaid vehicle to its driver Vijay Yadav for plying the same on hire and he had no knowledge of carrying the aforesaid liquor by the driver. Petitioner was not apprehended from the car. The driver has named the petitioner in this case due to ulterior motive. 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th



Additional Sessions Judge-cum-Special Judge Excise,
East Champaran at Motihari in connection with
Dumariya Ghat P.S. Case No.84 of 2018, subject to the
condition as laid down under Section 438 (2) of the
Cr.P.C.

(Prakash Chandra Jaiswal, J)

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