

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33572 of 2019

Arising Out of PS. Case No.-339 Year-2019 Thana- AGAMKUAN District- Patna

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AJIT KUMAR S/o Nagina Sah R/o Mohalla- Kumrare Chankya Nagar, P.S.-
Agamkuan, District- Patna

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjana Parihar
For the Opposite Party/s : Mr. Syed Ehteshamuddin

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

ORAL ORDER

3 07-08-2019 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) (kh)/41 of the Bihar Prohibition and Excise Act, 2016.

Around 129 liters of foreign liquor is said to have been recovered from the I-10 car and the driver of the said car managed to escape. However, registration certificate and driving licence recovered from the car indicates that the said car is hailing to the wife of the petitioner, while the petitioner happens to be its driver.

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 at the instance of his enemies. As a matter of fact, the vehicle is in the name of his wife and petitioner is having driving licence which was kept in the said car but the petitioner had given the car for its plying to a driver and he had no knowledge of transporting the liquor by the said driver. He has no criminal antecedent.

Learned APP for the State opposing the bail petition submitted that 129 liters of foreign liquor has been seized from the car and the petitioner happens to be its driver and the owner of the car is his wife. Hence, he does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the same day.

(Prakash Chandra Jaiswal, J)

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