

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52979 of 2019

Arising Out of PS. Case No.-102 Year-2019 Thana- RAGHUNATHPUR District- Siwan

JAKIR HUSSAIN S/o Ahmad Ali @ Ehmada Shaa R/o village- Dharar, P.S.-
Belpar, District- Ratlam (M.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Ms. Asha Devi

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

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 30(A), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

3888 litres of foreign liquor kept in cartoon is said to
have been recovered from the body of the truck covered with
tripal. Petitioner happens to be the driver of the truck was
apprehended while others managed to escape.

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 no
concern either with the seized liquor or with any trade of liquor.



Petitioner happens to be the driver of the truck in question and he had no knowledge of keeping of the liquor in cartoon on the said truck rather he was asked by the owner of the truck to transport the articles kept on the truck covered with tarpaulin at the destination without disclosing the nature of articles. Petitioner has no criminal antecedent and has been languishing in custody since 11.06.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Raghunathpur P.S. Case No.102 of 2019.

(Prakash Chandra Jaiswal, J)

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