

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3487 of 2019

Arising Out of PS. Case No.-724 Year-2018 Thana- BARACHATTI District- Gaya

Bablu Kumar, aged about 22 years, son of Sri Balindra Paswan, R/o Village-
Ramdana, P.S.- Atri, District- Gaya ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Indra Mohan Kumar, Adv.

For the Opposite Party : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
15.11.2018 in connection with Barachatti P.S. Case No. 724 of
2018 for the offences alleged under Sections 30(a), 38 and 47 of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during vehicle checking they intercepted a
tempo, which had no number on the registration plate. The
petitioner, who was the driver, was apprehended along with
another co-accused, Rakesh Sao and one of the co-accused,
Amit Kumar, managed to flee. From the tempo 46.875 liters of
Indian made foreign liquor was recovered.

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. He, further, submits that he was just a driver of the vehicle did not know what the passenger had brought with the luggage. The petitioner, further, undertakes not to induce witnesses or tamper with the prosecution evidence.

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

Considering the facts and circumstances, the nature of allegations and that the petitioner has a clean antecedent, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Barachatti P.S. Case No. 724 of 2018 to the satisfaction of the learned Special Judge, Excise, Gaya, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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