

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76899 of 2018

Arising Out of PS. Case No.-245 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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Abnish Kumar, S/o Vijay Singh @ Chhedi Singh, Resident of Village-Naya Gaon, P.S.-Naya Gaon, District-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.
For the Opposite Party/s : Mr. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 01.09.2018 in a case registered for the offence punishable under Section 420 of the Indian Penal Code and Sections 30(a), 32(iii), 35(c) and 36 of the Bihar Prohibition and Excise, Act, 2016.

It is alleged that from the Bolero vehicle of the petitioner, 245.5 litres of illegal foreign liquor was recovered.

It is submitted by learned counsel for the petitioner that since the petitioner was not present in the vehicle on the alleged date when the seizure was made, hence, the recovery cannot be treated from the possession of the petitioner. In fact,



the intercepted vehicle was being driven out by the driver and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the petitioner.

Considering the fact that prosecution case does not suggest that the petitioner was present in the vehicle when the seizure was made and the investigation being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai, in connection with S. Kamal P.S. Case No. 245 of 2018.

(Dinesh Kumar Singh, J)

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