

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61553 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Subodh Yadav Son of Suresh Yadav Resident of Village - Jharia, Raj Ground,
P.S.- Jharia, Dist.- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Tapeswar Sharma

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

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with
Khodawandpur P.S. Case No. 141 of 2019 registered for the
offence punishable under Sections 120(B), 272, 273 and 414 of
the Indian Penal Code and Section 30(a) of Bihar Prohibition &
Excise Act-2016.

621 lts. of foreign liquor kept in the cartoon
beneath empty crate of fruit is said to have been recovered from
the pick-up van and petitioner, who happens to be its driver was
apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern with the seized liquor. He happens to be driver of the pick-up van and he was directed by the owner of the vehicle to transport the fruits kept in the carat on the pick up van to the destination. He had no knowledge of keeping of liquor beneath carat of the fruits by its owner. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent and has been languishing in custody since 14.07.2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, 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 Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Khodawandpur P.S. Case No. 141 of 2019.

(Prakash Chandra Jaiswal, J)

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