

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79238 of 2019

Arising Out of PS. Case No.-153 Year-2019 Thana- AMAS District- Gaya

RAJAN KUMAR MISHRA Son of Arun Mishra Resident of Dwarikapuri Colony, New Bazar, P.S-Sherghati, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 The present matter has been listed before this Court, in view of the notification printed in the daily cause list under the orders of Hon'ble the Chief Justice due to non-availability of the appropriate Bench (Hon'ble Mr. Justice Hemant Kumar Srivastava).

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 07.08.2019 in a case registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and Sections 30(9), 56(b) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that from an Auto Rickshaw which was



being driven by the petitioner 50 litres of Mahua liquor were recovered while co-accused, Sudhir Kumar was found sitting in the said vehicle.

It is submitted by learned counsel for the petitioner that the petitioner being driver of the vehicle in question was not aware about the illicit liquor. Moreover, the owner of the vehicle in question was sitting in the said vehicle, hence the said recovery cannot be treated from the possession of the petitioner. Moreover, similarly situated co-accused, Suraj Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.08.2019, passed in Criminal Miscellaneous No. 58239 of 2019. 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 an auto rickshaw which was driven by the petitioner.

Considering the fact that the investigation has already been concluded and similarly situated co-accused have been granted bail by a Co-ordinate Bench of this Court, 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 Special Judge,
Excise, Gaya, in connection with Amas P.S. Case No.153 of
2019.

(Dinesh Kumar Singh, J)

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