

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75839 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- ROSHANGANJ District- Gaya

Vivek Kumar Son of Laxman Chaudhary R/o village - Dhaneta, P.S.-
Roshanganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Nand Kumar

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

ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Roshanganj
(Bankeybazar) P.S. Case No. 174 of 2019 registered for the
offence punishable under Section 414/34 of the Indian Penal
Code and Section 30(d) of Bihar Prohibition & Excise Act-
2016.

40 Kg. Mahua flower is said to have been
recovered from the stolen motorcycle and petitioner 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
either with the motorcycle in question or with the



seized article. He has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence while real culprit managed to escape dumping the aforesaid article laden motorcycle. There has been violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent and has been languishing in custody since 01.09.2019. Co-accused, namely, Sajan Yadav and others have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 68743 of 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 Special Judge, Excise, Gaya in connection with Roshanganj (Bankeybazar) P.S. Case No. 174 of 2019.

(Prakash Chandra Jaiswal, J)

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