

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84234 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- SAHIYARA District- Sitamarhi

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Bauanand Kumar @ Babu Nandan Kumar Son of Fekula Rai @ Fekula Yadav
R/O Village - Bahera, P.S. - Mejarganj, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 28.09.2019 in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from an auto-rickshaw, 65.40 litres of Nepali liquor were recovered. It is alleged that the petitioner was found sitting in the alleged auto-rickshaw.

It is submitted by learned counsel for the petitioner that petitioner is neither the driver nor the owner of the alleged auto-rickshaw, statement to that effect has been made in paragraph no. 7 of the petition, which reads as follows:-

“That the petitioner is neither the driver nor the



owner of the alleged seized vehicle.”

It is further submitted that the investigation has already been concluded. A further statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner was found sitting on the auto from which the recovery has been made.

Considering the fact that the investigation has already been concluded and the period under custody, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No. 89 fo 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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