

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74690 of 2019

Arising Out of PS. Case No.-311 Year-2019 Thana- TARAIYA District- Saran

DEEPAK KUMAR YADAV @ DEEPAK KUMAR Son of Pasuram Rai @
Parshuram Rai Resident of Village Dumri Chapiya, P.S.- Taraiya, District-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
07.10.2019 in a case registered for the offence punishable
under Section 30(a) of the Bihar Excise and Prohibition Act,
2016.

The prosecution case is that on 16.10.2019, the
informant being the police officer intercepted a Bolero pickup
van carrying 1200 litres of country made liquor. The vehicle in
question was followed by a Maruti Alto Car which was also
being intercepted and from that vehicle, 60 litres of country
made liquor was recovered. The petitioner is the driver of the
intercepted pick up van.



It is submitted by learned counsel for the petitioner that the said recovery cannot be treated from the conscious physical possession of the petitioner since the petitioner being driver of the pick-up van, was not aware about the illicit liquor being transported through the vehicle in question. 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 possession of the petitioner.

Considering the period under custody, 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 ADJ-II-cum-Special Judge (Excise), Saran at Chapra, in connection with Taraiya P.S. Case No.311 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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