

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76392 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- BARIYARPUR District- Munger

DILIP KUMAR Son of Late Luri Mandal Resident of Village-Babupur
Kaliasthan, P.S-Sabaur, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

**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.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

170 litres of Jharkhand made country made liquor
is said to have been recovered from the tempo of the petitioner
and the petitioner who happens to be owner-cum-driver of the
tempo was apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern with the seized liquor. As a matter of fact, some



altercation took place between the petitioner and the police personnel on demand of original document of the vehicle by the police and on assurance to furnish the same taking it from the house by the petitioner during course of checking of vehicle, due to the aforesaid reason, the petitioner has been falsely implicated in the case by the informant by planting aforesaid recovery from his possession. There is violation of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 18.10.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, Excise, Munger in connection with Bariyarpur P.S. Case No.149 of 2019.

(Prakash Chandra Jaiswal, J)

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