

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76383 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- NTPC KHAIRA District- Aurangabad

Pankaj Kumar S/o Nagina Choudhary R/o village- Chhotaki Saokala, P.S.-
Aamas, District- Gaya. At present resident of village- Bhawani Sthan, P.S.-
Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Mukul Kumari

For the Opposite Party/s : Mr. Shantanu 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 N.T.P.C.
Khaira P.S. Case No. 15 of 2019 registered for the offence
punishable under Section 30(a) of Bihar Prohibition & Excise
Act-2018.

23.600 lts. of country made liquor is said to have
been recovered from the motorcycle of the petitioner being plied
by his nephew, namely, Amit Kumar.

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 with the
seized liquor. He was not apprehended on the spot. Albeit, the



petitioner happens to be owner of the aforesaid motorcycle but, he had given the aforesaid motorcycle to his nephew on demand for plying the same and he had no knowledge of transporting the liquor by his nephew on his motorcycle. There has been violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent and has been languishing in custody since 05.11.2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

Having regard to 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, Aurangabad in connection with N.T.P.C. Khaira P.S. Case No. 15 of 2019.

(Prakash Chandra Jaiswal, J)

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