

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75766 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- PATEPUR District- Vaishali

Sudhir Kumar S/o Virendra Rai, R/o Village Mahiya Malpur, P.S. Patepur,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 4.9.2018 in a case registered for the offences punishable under Sections 30(a),32(II), 38(I) and 41(I) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of S.I. Vijay Kumar Singh of Patepur Police Station, is to the effect that on 1.9.2018 at mid night during patrolling the informant received secret information that the illicit liquor is being transferred from a truck to small vehicles for smooth transportation. On chase one person was apprehended who disclosed his name as that of the petitioner and the two vehicles- one Bolero and one Wagon R were intercepted. The petitioner admitted that



he is the driver of Wagon R and it is alleged that from Wagon R, 290.8 litres and from Bolero vehicle 782 litres liquor were recovered.

It is submitted by learned counsel for the petitioner that only on suspicion the petitioner has been apprehended. It is further submitted that the prosecution report does not suggest the name of the owner of the vehicles and petitioner is definitely not the owner of the seized vehicle from which recovery has been made. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already concluded.

Learned APP submits that the recovery has also been made from the vehicle which was being driven by the petitioner.

Considering the fact that the investigation has already concluded and the petitioner is not having any criminal antecedent, coupled with the period under custody, let the petitioner above named 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 the learned Additional Sessions Judge II-



cum- Special Judge, Vaishali at Hajipur. in connection
with Patepur P.S. Case No.152 of 2018.

(Dinesh Kumar Singh, J)

anil/-

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