

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81899 of 2019**

Arising Out of PS. Case No.-94 Year-2019 Thana- BALIGAON District- Vaishali

AJAY KUMAR TIWARI S/o Rajendra Tiwari R/o Village- Swjawalpur, P.S.-
Sakra, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 11-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 20.9.2019 in a case registered for the offences punishable under Sections 414/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the petitioner's Three Wheeler (Tempo), 424.44 litres Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that though the petitioner is the driver and owner of the vehicle in question but he was not aware of the liquor being carried in the public carrier. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the recovery of illicit liquor was made from the tempo of the petitioner.

Considering the fact that the recovery has been made from a public carrier, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and 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, Excise, Vaishali at Hajipur in connection with Baligaon P.S. Case No.94 of 2019.

(Dinesh Kumar Singh, J)

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