

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83054 of 2019

Arising Out of PS. Case No.-497 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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PAWAN KUMAR Son of Laldeo Mahto Resident of Village - Khanpur, Durga
Mandir (Ward No. 7), P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
Ms. Rashmi Jha
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioner and

learned APP for the State.

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

2331.72 litres of foreign liquor is said to have
been recovered from the truck and petitioner who happens to be
its driver and its khalasi namely Ramesh Kumar were
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. He happens to be driver of the truck in question and had no knowledge of keeping of the aforesaid liquor in the carton loaded on the truck. He was asked by its owner to transport the truck to its destination. There is violation of Section 100 Cr.P.C. He has no criminal antecedent and has been languishing in custody since 17.11.2019. Similarly situated co-accused, namely, Ramesh Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 11.12.2019 passed in Cr. Misc. No. 81349 of 2019.

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 2nd Addl. Sessions Judge cum Special Judge, Excise, Samastipur in connection with Excise Case No. 497 of 2019.

(Prakash Chandra Jaiswal, J)

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