

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3527 of 2020

Arising Out of PS. Case No.-238 Year-2018 Thana- GORAUL District- Vaishali

Sunil Kumar Thakur S/o Late Ram Ekbal Thakur R/o Village- Rasulpur
Adhar, P.S.- Karja, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-06-2020 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Goraul P.S. Case No. 238 of 2018 registered for the offence under Section 414 of the Indian Penal Code and Sections 30(A), 38(II), 41(I) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 202.6 liters of country-made liquor is said to have been recovered from a Scorpio vehicle and petitioner is owner of said vehicle.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and nothing has been recovered from conscious possession of the petitioner. Petitioner has been made accused only due to the fact that he is owner of said vehicle, from which, aforesaid recovery has been effected.



It is further submitted that petitioner was unaware about the aforesaid liquor, since the vehicle was being driven by the driver namely Raushan Kumar, who without knowledge or consent of petitioner, was carrying aforesaid liquor in the vehicle. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge II cum Special Judge, Excise Act, Vaishali at Hajipur in connection with Goraul P.S. Case No. 238 of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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