

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38089 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- RISIYAP District- Aurangabad

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KUNDAN KUMAR, SON OF SHYAM PRASAD GUPTA RESIDENT OF
VILLAGE- AMBA, P.S.- RISHIUP, DISTRICT- AURANGABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Akshya Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-02-2021 Heard Mr. Bachan Jee Ojha, learned Counsel for the

petitioner and Mr. Akshya Lal Pandit, learned Additional Public

Prosecutor for the State.

This application, for grant of regular bail, arises out
of Risiup Police Station Case No. 52 of 2020, disclosing
offences under Section 30(a) of the Bihar Prohibition and Excise
Act.

The allegation, as per the First Information Report
is that the Tempoo, which was being driven by the petitioner,
was intercepted by the police and total quantity of 130 litres of
country-made liquor was recovered from the said Tempoo.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case. Learned counsel



next submits that petitioner is not owner of the Tempoo and being driver, he was not aware about the illicit liquor being kept in the said Tempoo by its owner. Learned counsel next submits that the petitioner has got no criminal antecedent and he is in custody since 04.08.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner has got no criminal antecedent and Tempoo from where illicit liquor has been recovered does not belong to the petitioner and he is in custody since 04.08.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Kundan Kumar, 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 A.D.J.-VII-cum-Spl. Judge, Excise, Aurangabad, in connection with Risiup Police Station Case No. 52 of 2020.

(Anil Kumar Sinha, J.)

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