

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57038 of 2023

Arising Out of PS. Case No.-359 Year-2023 Thana- TAJPUR District- Samastipur

Navin Kumar @ Navin Chaudhary Son of Late Munshilal Chaudhary R/o vill
- Laskara, P.s. - Tajpur, Distt. - Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2.The petitioner apprehend his arrest in connection
with Tajpur P.S. Case No. 359 of 2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

3. As per prosecution case, there is recovery of 4.455
litres foreign liquor from the Dicky of the motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. It is submitted that the
recovery has not been made from the conscious possession of
the petitioner, he has neither the owner of the motorcycle nor the
rider of the seized motorcycle. He was not present at the place



of recovery nor the seized prohibited liquor belongs to the petitioner. The petitioner has one criminal antecedent in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner above named be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of learned Special Judge Excise – 2, Samastipur in connection with Tajpur P.S. Case No. 359 of 2023, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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