

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48498 of 2016

Arising Out of PS.Case No. -319 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Tinku Sao @ Tinku Kumar Sao @ Bhola Sao, S/o Late Kishun Sao, Resident of Village- Chechai, P.S. + District- Kodarma (Jharkhand).
 2. Md. Irfan, S/o Abdul Hamid, resident of Village- Jalwabad, P.S. + District- Kodarma (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh -Advocate

For the Opposite Party/s : Mr. Sri Bharat Lal-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 14-12-2016

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

Two vehicles were intercepted on suspicion of carrying liquor in huge quantity. Petitioners happen to be driver of Bolero pick up van bearing registration No.JH-2X-1454 while another Scorpio bearing registration No.JH-12E-1414 were driven by Md. Irfan. On search, from the vehicle on whose petitioner no.1 happens to be driver, 16 plastic bags each containing 150 pouch of countrymade wine each containing 200 ml, two carton of Royal Stag Premium Whisky each one containing 12 bottles of 750 ml, 25 bottles of Royal Stag each containing 12 bottles of 750 ml, 13 carton Royal Stag Whisky each containing 24 bottles 375 ml, one



carton Royal Stag each containing 48 bottles of 180 ml, 08 carton Imperial Blue each containing 24 bottles 375 ml, 03 carton Imperial Blue each containing 48 bottles of 180 ml while from the vehicle bearing registration No.JH-12E-1414, nothing was recovered. At that very moment, one Xylo bearing registration No.BR-01PG-2319 was also intercepted wherefrom 08 cartons of Royal Stag Premium Whisky each containing 12 bottles of 750 ml were seized. So many another vehicles were also intercepted and on search, as per seizure list were made there from.

Contention on behalf of the petitioners is that their case lies on the similar footing that of Ganit Kumar @ Ram Kumar @ Gainit Kumar @ Gaint Kumar as well as Chandan Sonkar, who have been granted bail vide Cr. Misc. No.44742 of 2016 as well as Cr. Misc. No.44505 of 2016, respectively. It has also been submitted that petitioners happen to be driver and so, considering the period of detention, petitioners should be released on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

Considering the recovery of liquor in huge quantity from a pick up van of which petitioner no.1, **Tinku Sao @ Tinku Kumar Sao @ Bhola Sao** happens to be driver, for the



present, I do not see it a fit case for grant of bail. Accordingly, prayer of petitioner no.1 for bail is rejected.

However, petitioner no.1 may renew his prayer for bail after framing of charge.

So far petitioner no.2, **Md. Irfan** is concerned, he is directed to 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 Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P. S. Case no.319 of 2016.

(Aditya Kumar Trivedi, J)

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