

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54688 of 2016

Arising Out of PS.Case No. -198 Year- 2016 Thana -RAJAULI District- NAWADA

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1. Prince Kumar Gupta @ Biraj Gupta, S/o Late Manoj Kumar Gupta
 2. Pradeep Kumar Babare, S/o Nimai Babare. Both Resident of Sarvodaya Nagar, P.S.- Chass, District- Bokaro, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail in connection with Rajauli
P.S. Case No. 198/16 for offences punishable under Sections
47(a), 53(a) of the Bihar Excise (Amendment) Act, 2016.

The prosecution case is that on the alleged date of
occurrence the police personnel received a call on their mobile that
a Bolero vehicle has dashed with a truck near Maya Sardar Line
Hotel. On reaching the place of occurrence petitioner and one
another were found in drunken condition and in the Bolero vehicle
216 bottles of foreign liquor was recovered. Accordingly, a
seizure-list was prepared.

It has been submitted by the learned counsel for



the petitioners that they are innocent, have no criminal history and nothing has been recovered from their conscious possession. It is submitted that petitioner has no concern with the Bolero vehicle and the owner of the alleged liquor has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 45015 of 2016 on 18.10.2016. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and petitioners are in custody since 12.08.2016.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and submission of the parties and since the owner of the alleged liquor has been granted the privilege of bail and that charge-sheet has already been submitted, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P.S. Case No. 198/16.

(Nilu Agrawal, J.)

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