

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51464 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -HASANPUR District- SAMASTIPUR

- =====
1. Krishna Choudhary @ Kishan Choudhary, S/o Satyabir Choudhary, R/o Village- Bamdolir, P.S.- Bahadurganj, District- Jhajhar (Hariyana).
 2. Ajmer Jath @ Ajmer Jatt S/o Randhir Singh, R/o Village- Bath, P.S.- Sonipat, District- Sonipat (Hariyana).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Hasanpur P.S.
Case No. 120/17 for offences punishable under Sections 30(a)/47
of the Bihar Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during patrolling duty, Maruti Suzuki and
Hundai Verna cars were stopped and inspected. Some persons
managed to flee away while three persons including the petitioners
were apprehended. Petitioners were drivers of the said vehicles.
From the vehicle driven by petitioner no. 1, 65.25 litres of foreign
liquor and from the vehicle driven by petitioner no. 2, 160 litres of



foreign liquor was recovered. Accordingly, seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and were neither owners nor passengers of the vehicle and were just drivers of the car on daily basis. He submits that the petitioners are languishing in judicial custody since 13.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the huge quantity of illicit foreign liquor was recovered from the vehicle driven by the petitioners.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-2nd, Samastipur, in connection with Hasanpur P.S. Case No. 120/17, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
- (ii) If the petitioners indulge in an offence of similar nature



in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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