

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47070 of 2017

Arising Out of PS.Case No. -341 Year- 2017 Thana -PURNEA SADAR District- PURNIA

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1. Suresh Prasad @ Suresh Rai @ Suresh Kumar, Son of Bindeshwari Rai, Resident of Rambagh, Nayatola, Ward No. 23, Police Station- Sadar, Purnea, District- Purnea.
 2. Gopal Singh, Son of Basudeo Singh, of Raiganj, Uttar Dinajpur, West Bengal, At- A/P- Gurdwara Road, Police Station- K.Hat, Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-10-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sadar P.S. Case No.341 of 2017/G.R. No.2377 of 2017 registered under Sections 294(A) of the Indian Penal Code besides Sections 7(iii) of the Lottery Prohibition Act.

The accusation is that on receiving secret information about carrying of illegal lottery on the Big-Boss bus bearing Registration No.BR-11E-9955, the informant being the Officer Incharge of Sadar Police Station, District-Purnea, reached at Gulabbagh Rammohini Chowk and saw the aforesaid bus coming



towards Zero Mile. When the signal was given to stop the bus, then the driver and two others started to flee away but out of them, one was apprehended, who disclosed his name as Sahadat Khan and introduced himself as the Khalasi of the aforesaid bus. He also disclosed the name of two other persons, who succeeded to flee away, as Suresh Prasad and Gopal Singh (petitioners), the driver and Conductor of the aforesaid bus respectively. On query, he disclosed that one known person at Dal Kola Railway Station had given the bundle of illegal lottery to Gopal Singh, the conductor of the aforesaid bus, for taking to Purnea, and Gopal Singh gave the aforesaid bundle to Suresh Prasad to keep the same and Suresh Prasad kept the same at the box, upper to the driver seat. Thereafter, on search, illegal lottery tickets were seized from there.

Learned counsel appearing on behalf of the petitioners submits that, admittedly, the petitioners are driver and conductor of the aforesaid bus respectively and the petitioners had no knowledge about keeping the packets of illegal lottery tickets in the bus. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on



bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, First Class, Purnea, in connection with Sadar P.S. Case No.341 of 2017/G.R. No.2377 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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