

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47167 of 2017

Arising Out of PS.Case No. -139 Year- 2017 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

- =====
1. Rahul Gupta son of Awadhesh Prasad Gupta.
 2. Vicky Kumar @ Baugha son of Awadhesh Prasad Gupta.
 3. Ajay Kumar son of Ram Nath Pandey, all resident of Mohalla-Bairagi,
P.S. Delha, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kiran Sinha

For the Opposite Party/s : Mr. Sri Satyendra Prasad

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Magadh
Medical P.S. Case No. 139 of 2017 for offences punishable
under Sections 38 (1) and 41 (1) of the Bihar Excise Act.

The prosecution case, as lodged by the police
personnel, is that on secret information and during course of
vehicle checking they intercepted a tempo and apprehended
the driver Suraj Kumar but two persons sitting on the tempo
fled away. The motorcycle coming along with the tempo also
managed to flee away. The apprehended co-accused named



petitioner no. 1 as rider of the motorcycle and petitioner no. 2 and 3 who were sitting on the tempo. On search 2200 pieces of 200ml of country made liquor was recovered from the tempo. Accordingly, the seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and nothing has been recovered from their conscious possession and they are languishing in judicial custody since 18.08.2017.

However, learned APP for the State opposes the prayer for bail.

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 Special Judge-Excise, Gaya in connection with Magadh Medical P.S. Case No. 139 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioners and 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)

Devendra/-

U		T	
---	--	---	--

