

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40754 of 2017

Arising Out of PS.Case No. -68 Year- 2017 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

- =====
1. Nazzo @ Nazzo Sah , son of Md. Israil, R/O Boitawari, P.S. Mohanpur, District West Midnapur (W. Bengal)
 2. Md. Fakhruddin @ Fakiruddin, son of Sheikh Janbauddin, R/O Kharaie, P.S. Pataspur, District East Midnapur (W. Bengal)

.... Petitioner/s

Versus

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 29-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Industrial Area
P.S. Case No. 68/2017 for offences punishable under Sections
467, 468, 469, 470, 471 and 414 of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that during raid the petitioners were apprehended and
from the possession of petitioner no. 2 the gold like brick of 1 kg
750 gms was recovered. Some articles like machine, hammer etc.
was recovered from the possession of the petitioner no. 1. They
disclosed the name of their associates as Raja and Munna and
confessed that they used to smuggle gold. Accordingly, a seizure-
list was prepared and the gold like brick substance was sent for



forensic examination.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case by the police. He submits that the forensic report from the Forensic Science Laboratory, Bihar, Patna has come on 04.08.2017 wherein on analysis it has been found that gold like brick was not gold. Under such circumstances, learned counsel for the petitioners submits that no offence has been made out and both the petitioners are languishing in judicial custody since 10.04.2017.

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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Industrial Area P.S. Case No. 68/2017.

(Nilu Agrawal, J)

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