

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31334 of 2017

Arising Out of PS.Case No. -263 Year- 2017 Thana -RUNISAIDPUR District- SITAMARHI

- =====
1. Jalandhar Rai @ Jalandhar Kumar, Son of Late Devrajee Rai, resident of Village-Paramjeewar, Police Station-Hathauri, District-Muzaffarpur.
 2. Mohan Kumar, Son of Keshaw Rai, resident of Village- Bahurar, Police Station-Nanpur, District-Sitamarhi.
 3. Bimlesh Kumar, Son of Ram Pravesh Rai, resident of Village-Paramjeewar, Police Station-Hathauri, District-Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Verma, Advocate.

For the Opposite Party : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 10.06.2017 in connection with Runnisaidpur P.S. Case No. 263 of 2017 for the offences instituted under Sections 30, 30(g) and 38(1)(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on secret information, on 09.06.2017, the informant and other police officials and armed forces came at Kataujha Chawk at 17.55 hours and stopped one Alto Car bearing No. BR-01-BK-1856 but the driver of the said vehicle tried to flee away but on chase, the



police officials caught the said Car with the help of the local villagers on which three persons were sitting and on inquiry, they disclosed their name as Mohan Kumar, Vimlesh Kumar and Jalandhar Kumar and on search of their Alto Car, the police recovered 44.280 liters of foreign wine from the said Car. On inquiry, accused Mohan Kumar disclosed that he is the owner of the said Alto Car and they used to purchase the foreign wine and sold it in Muzaffarpur. The accused Chhotu Rai, Umesh Rai, Sonu Kumar and Chandan Rai called them to Korlahia and put five cartoons of wine in his car and told them to give the said wine to Ajay Sah. He further disclosed that he also given wine to Bablu Kumar several times. The informant seized the said wine, car and mobile and prepared seizure lists and copy of the same was handed over to each of the petitioners.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 10.06.2017. There is no allegation of tampering of the witnesses alleged against the petitioners. The petitioner nos. 1 and 3 have no criminal antecedent. 44.280 liters of foreign liquor is said to have been recovered from the vehicle. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the State, it has been submitted that the



petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 the learned I/C A.D.J.-cum-Special Judge (Excise Act), , Sitamarhi, in connection with Runnisaidpur P.S. Case No. 263 of 2017.

(Sudhir Singh, J)

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