

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54125 of 2016**

Arising Out of PS.Case No. -115 Year- 2016 Thana -PARAIYA District- GAYA

- =====
1. Brajesh Kumar, son of Sita Ram Prasad, resident of village- Mataha, P.S.- Dumariya, District- Gaya &
  2. Rajanish Kumar, son of Late Satrudhan Prasad, resident of village- Mananbigha, P.S.- Gurua, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 16-01-2017

Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The Petitioners seek bail in Paraiya P.S. Case No.115 of 2016 instituted for the offence under Section(s) 120-B Indian Penal Code and Sections 47 (A) (F) (G), 54/57 of the Bihar Excise Amendment Act, 2016.

It is alleged in the written report that total 44.28 liters foreign liquor was recovered by the police from the four-wheeler on which the petitioners were sitting. The petitioners on seeing the police party tried to run away, but they were apprehended by the police.

It is submitted that the petitioners are in custody



since 31.08.2016 having clean antecedents. It is further submitted that one of the co-accused, Santosh Kumar, has been granted bail by a co-ordinate Bench of this Court vide order dated 24.10.2016 passed in Cr. Misc. No.46509 of 2016.

In the written report, there is no specific allegation that they were indulged in sale and purchase of alleged foreign liquor.

In the circumstances, let the Petitioners, above named, be released on bail on furnishing bail bond of ₹10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1<sup>st</sup> class, Gaya, in connection with Paraiya P.S. Case No.115 of 2016, subject to the conditions that both the bailors shall be the close relatives of the petitioners.

The petitioners will file an Affidavit in the Court below that they will not indulge in such type of activities again and if it is found that they have indulged in similar activities, their bail bonds will be liable to be cancelled.

**(Sanjay Priya, J)**

**JA/-**

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