

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24447 of 2018

Arising Out of PS.Case No. -70 Year- 2018 Thana -MASRAKH District- SARAN

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Jitendra Singh son of late Birendra Singh resident of village - Basaha, P.S. -
Baikunthpur, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.24259 of 2018

Arising Out of PS.Case No. -70 Year- 2018 Thana -MASRAKH District- SARAN

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Suresh Prasad, Son of Late Krishna Prasad, resident of Village- Hamidpur,
P.S.- Baikunthpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.24447 of 2018)

For the Petitioner/s : Mr. Kamlesh Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

(In Cr.Misc. No.24259 of 2018)

For the Petitioner/s : Mr. Kamlesh Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL

ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail in a case registered for the
offence punishable under Sections 272 and 273 of the Indian Penal
Code and Sections 30, 30(a), 30(c), 38, 41, 45 and 47 of the Bihar
Prohibition and Excise Act, 2016.

402 litres of foreign liquor is said to have been



recovered from the various vehicles such as trucks, Bolero and Swift Dezire and the petitioners and other accused persons were apprehended in the course of escaping from the said vehicles.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or with the vehicle in question. They have been falsely implicated in the case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence. They have no criminal antecedent. They have been languishing in custody since 18.03.2018. Similarly situated co-accused namely Rohit Kumar has been enlarged on bail by this court vide order dated 26.04.2018 passed in Cr. Misc. No. 23367 of 2018.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged 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 6th A.D.J., Saran, Chapra in connection with Masrakh P.S. Case No. 70 of 2018.

(Prakash Chandra Jaiswal, J)

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