

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26809 of 2018**

Arising Out of PS. Case No.-295 Year-2018 Thana- SAHARSA District- Saharsa

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1. Vikash Yadav, Son of Kamleshwari Yadavi, resident of Village-Bijalpur, Ward No. 1, P.S.- Bihra, District- Saharsa.
  2. Md. Subhan, Son of Md, Dukha Miyan, resident of Village-Bijalpur, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2      03-05-2018                      Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Saharsa Sadar P.S. Case no. 295 of 2018 registered under Sections 30(a), 38(1), 41(1), 37(b) of Bihar Prohibition & Excise Act-2016.

40 lts. of country made liquor is said to have been recovered from possession of the petitioners.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern with the seized liquor. They have been falsely implicated in the case at the instance of their enemy by planting the aforesaid



recovery from their possession. Petitioner no. 1 has no criminal antecedent while one criminal case has been lodged against the petitioner nos. 2 but he is on anticipatory bail in the said case. They have been languishing in custody since 17.03.2018.

In the facts and circumstances of the case, the above named petitioners are directed to 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 the learned Special Judge, Excise, Saharsa in connection with Saharsa Sadar P.S. Case no. 295 of 2018.

**(Prakash Chandra Jaiswal, J)**

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