

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16336 of 2018

Arising Out of PS.Case No. -226 Year- 2017 Thana -BEUR District- PATNA

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1. Avinash Kumar, S/o Late Ram Swarth Gupta,
2. Rauki Kumar, S/o Chitranjan Gandhi @ Gandhi Prasad, Both are resident
of Village- Sipara, P.S.- Beur, District- Patna.

.... Petitioners.

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 21-03-2018

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Beur P.S. Case No.226
of 2017 (Special Case No.6174/2017) registered under Section
30 (a) of the Bihar Prohibition and Excise Act, 2016.

189 liters of foreign liquor is said to have been
recovered from the car and two out of four persons who were
standing near the car managed to escape but on chase two persons
were apprehended who disclosed the name of the petitioners as
their fleeing accomplices.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioners. They have been falsely implicated in this case. They have no concern either with the seized liquor or with the aforesaid car. There is nothing on record indicating the complicity of the petitioners in the occurrence barring the disclosure made by the apprehended accused. Though one criminal case is pending against petitioner no.1 but he is on bail in the said case while petitioner no.2 has no criminal antecedent. They have been languishing in custody since 10.01.2018.

In the facts and circumstances of the case, 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 Special Judge Excise Act, Patna in connection with Beur P.S. Case No.226 of 2017 (Special Case No.6174/ 2017).

(Prakash Chandra Jaiswal, J)

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