

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26418 of 2018**

Arising Out of PS.Case No. -7 Year- 2018 Thana -DAGARUA District- PURNIA

- =====
1. Sahun, S/o Hanif, R/o Vill.- Tundlaka, P.S.- Puhana, Distt.- Nuhewat (Hariyana).
  2. Rayees Khan @ Rahis Khan S/o Late Kallan Khan, R/o Vill.- Awarpura, P.S.- Kampu, District- Gowaliar (Madhaya Pradesh).

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance:**

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Smt. Meena Singh

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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 a case registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

1708.200 litres of foreign liquor is said to have been recovered from the truck and four accused persons including the petitioners were apprehended. Petitioner no.1 Sahun is said to be the driver of the said vehicle.

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. Petitioner no.1 Sahun does not happen to be driver of the said vehicle. As a matter of fact, the petitioners were sitting in the said vehicle taking lift from its driver and had no knowledge of keeping of the liquor in the truck. There is no compliance of Section 100 Cr.P.C. They have no criminal antecedent. Chargesheet in the case has already been submitted. They have been languishing in custody since 12.01.2018. Similarly situated co-accused, namely, Sanjeev Kumar and Arbind Kumar Pandey have been enlarged on bail by a co-ordinate bench of this court.

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 3<sup>rd</sup> Additional Sessions Judge cum Special Judge, Excise, Purnea in connection with Special Excise Case No. 38 of 2018 arising out of Dagarua P.S. Case No. 7 of 2018.

**(Prakash Chandra Jaiswal, J)**

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