

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34405 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -BADHAILA District- SASARAM (ROHTAS)

- =====
1. Rudal Yadav son of Jeet Bahadur @ Jeet Bahadur Yadav, resident of Village- Amarawana, P.S.- Chandawak, District- Jaunpur (U.P.).
 2. Mannu Giri @ Subham Giri, son of Ran Vijay Giri, resident of Village- Tarawn, P.S.- Chandawak, District- Jaunpur (U.P.).

.... Petitioners.

.Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 20-06-2018 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 Section 30 (a), 32 (1), (2), 38 (i) and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

17.28 liters of foreign liquor is said to have been recovered from the Maruti Ertica car and the petitioner no.1-Rudal Yadav who happens to be driver of the said vehicle and petitioner no.2- Mannu Giri @ Subham Giri who was sitting in the said vehicle were apprehended and on the basis of disclosure made by the petitioners 39.06 liters of foreign liquor is said to have been recovered from the wheat field.



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 with the seized liquor. Petitioner no.1 happens to be driver of the said vehicle and petitioner no.2 had taken lift from petitioner no.1 and they had no knowledge of keeping the said liquor in the vehicle in question. The confessional statement recorded by the police has no evidentiary value in the eye of law. They have no criminal antecedent and have been languishing in custody since 14.04.2018.

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 Additional District & Sessions Judge-II-cum-Special Judge Excise, Rohtas at Sasaram in connection with Baghaila P.S. Case No. 26 of 2018.

(Prakash Chandra Jaiswal, J)

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