

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38436 of 2018

Arising Out of PS.Case No. -48 Year- 2018 Thana -RAUTA District- PURNIA

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1. Md. Uzer Alam, Son of Late Mohiuddin, Resident of Village- Pipra Bijwar, Police Station- Palasi, District- Araria.
2. Mithun Kumar Yadav @ Mithu Kumar Yadav, Son of Mayanand Yadav, Resident of Village- Kanchanpur, Police Station- Palasi, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 02-07-2018 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 & 273 of the Indian Penal Code and Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

91.260 liters of foreign liquor is said to have been recovered from the Bolero vehicle and petitioner no.1-Mohd. Uzer Alam, who happens to be driver of the said vehicle and petitioner no.2 Mithun Kumar Yadav, who was sitting in the said vehicle, were apprehended.

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-Mohd Uzer Alam is the driver of the said vehicle while petitioner no.2-Mithun Kumar Yadav is its commuter and was travelling by the said vehicle taking lift from its driver (petitioner no.1). The petitioners have been falsely implicated in this case by the police due to altercation between the petitioner no.1 and police personnel on a trivial matter. They have no criminal antecedent and have been languishing in custody since 12.05.2018.

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 Sessions Judge-cum-Special Judge Excise, Purnea in connection with Rauta Police Station P.S. Case No. 48 of 2018.

(Prakash Chandra Jaiswal, J)

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