

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2979 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -PATEPUR District- VAISHALI(HAJIPUR)

Arvind Singh @ Arvind Kumar Singh, Son of Suresh Singh @ Suresh Prasad Singh Resident of Village-Gara, P.S. Patepur, Dist.-Vaishali.

.... Petitioners.

Versus

The State of Bihar

... Opposite Party.

WITH

Criminal Miscellaneous No.3090 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -PATEPUR District- VAISHALI(HAJIPUR)

Mintu Rai, Son of Kamlesh Rai, resident of Village Bardiha, P.S. Patepur, Dist.- Vaishali.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

Appearance :

For the Petitioners : Mr. Nityanand, Adv.

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

02 24-01-2018

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Patepur P.S. Case No.62 of 2017 registered under Section 414/34 of the Indian penal Code and Section 30 (a) (32 (ii), 38 (ii) and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

655.575 liters of foreign liquor is said to have been recovered from the mango orchard of Avinash Kumar alias Jhiguni Rai where petitioners and four other accused persons are said to have assembled to vend out the foreign liquor brought by them and 12 to 20 accused who had congregated there fled away



abandoning their vehicles there.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather from the mango orchard of Avinash Kumar. Petitioners have no concern with the seized liquor. Petitioner-Mintu Rai has no criminal antecedent while petitioner-Arvind Singh @ Arvind Kumar Singh has two cases under the Excise Act filed against him and he is on bail in one of the said cases. Petitioner-Arvind Singh alias Arvind Kumar Singh has been languishing in custody since 17.11.2017 while petitioner-Mintu Rai has been languishing in custody since 18.11.2017. One similarly situated accused, namely, Dharendra Singh @ Dharendra Kumar Singh has been granted bail by a coordinate Bench of this Court in Cr. Misc. No.39873 of 2017 vide order dated 25.08.2017.

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-II-cum-Special Judge Excise, Vaishali at Hajipur in connection with Patepur P.S. Case No. 62 of 2017.

(Prakash Chandra Jaiswal, J)

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