

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46468 of 2018**

Arising Out of PS.Case No. -84 Year- 2018 Thana -INDUSTRIAL District- BHAGALPUR

- =====
1. Subodh Kumar, Son of Narayan Thakur @ Rajiv Ranjan Singh @ Singh
  2. Nitish Kumar, Son of Bahadur Yadav @ Lal Bahadur Yadav.
  3. Chandan Kumar, Son of Shambhu Prasad Yadav @ Shambhu Yadav @ Shambhu Prasad.
  4. Bivash Kumar, Son of Wakil Yadav
- All are residents of village – Gamhariya, P.S.-Sour Bazar, District – Saharsa.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**  
**ORAL ORDER**

2      31-07-2018                      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 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

160 litres of country made liquor is said to have been recovered from the dicky of the Maruti Suzuki car and 200 litres of country made liquor is said to have recovered from the dicky of the Quid car and the petitioner no.3 Chandan Kumar who happens to be driver of the said Maruti car and one other accused namely Bivash Kumar (petitioner no.4) were apprehended



from the said Maruti Suzuki car while petitioner no.1 Subodh Kumar who happens to be driver of the aforesaid Quid car and another accused Nitish Kumar (petitioner no.2) were apprehended from the aforesaid car.

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.3 Chandan Kumar and petitioner no.1 Subodh Kumar happen to be driver of the aforesaid two cars while petitioner nos.2 and 4 namely Nitish Kumar and Bivash Kumar respectively are commuters of the said car and they had no knowledge of keeping of the liquor in the dickey of the aforesaid cars. They have been falsely implicated in the case at the instance of their enemies. They have no criminal antecedent. They have been languishing in custody since 19.06.2018.

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 Special Judge, Excise, Bhagalpur in connection with Industrial Area (Industrial) P.S. Case No. 84 of 2018 with condition that if the petitioners are



found involved in such offence in future, prosecution shall be at liberty to move before the learned lower court for cancellation of the bail bonds of the petitioners.

**(Prakash Chandra Jaiswal, J)**

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