

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48942 of 2018

Arising Out of PS. Case No.-340 Year-2018 Thana- BRAHMPUR District- Buxar

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1. Vijay Tiwari S/o Late Chhotak Tiwari,
 2. Rakesh Bind, S/o- Ram Chandra Bind,
 3. Baul Bind S/o- Ram Pati Bind, All are resident of Village- Bhariyar, P.S.- Brahmpur (Chaki O.P.), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan

For the Opposite Party/s : Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Brahmpur (Chaki O.P.) P.S. Case No. 340 of 2018 registered for the offence punishable under Section 30 (a) and 41 of Bihar Prohibition Excise Act, 2016.

30.600 lts. of foreign liquor is said to have been recovered from the field located towards east of boring of Shivdat Yadav which is said to have been dumped by the petitioners and two other accused persons. Petitioners were apprehended while rest two other accused persons managed to escape.

It is submitted by learned counsel for the



petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern with the seized liquor or with the place of recovery. They had not dumped the aforesaid liquor at the place of occurrence. As a matter of fact, the petitioners have falsely been implicated by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence and real culprits managed to escape dumping the aforesaid liquor there seeing the police personnel. Though one more criminal case has been lodged against each of the petitioners, but they are on bail in the said case. They have been languishing in custody since 15.07.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum Special Judge, Excise Act, Buxar in connection with Brahmpur (Chaki O.P.) P.S. Case No. 340 of 2018.

(Prakash Chandra Jaiswal, J)

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