

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50367 of 2018

Arising Out of PS.Case No. -139 Year- 2018 Thana -CHARPOKHARI District- BHOJPUR

- =====
1. Birda Kumar @ Bida Kumar, S/o. Rajdeo Singh,
 2. Babudhan @ Sonu Yadav @ Budhan Son of Krishana Yadav,
- Both are resident of Village- Sohari, P.S.- Charpokhari, District- Bhojpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 16-08-2018 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(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

120.96 litres of foreign liquor is said to have been recovered from the Maxima vehicle and four persons including the petitioners 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 either with the seized liquor or with the vehicle in question. They happen to be simple commuter of the said vehicle



and they had no knowledge of keeping of the said liquor under the seat of the driver. They have been falsely implicated in the case merely on suspicion. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 02.07.2018. Similarly situated co-accuseds, namely, Sikandar Singh and Mirtunjay Kumar have been enlarged on bail by this court vide order dated 09.08.2018 passed in Cr. Misc. No. 48724.

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 4th Additional Sessions Judge, Bhojpur, Ara in connection with Excise Case No. 1047 of 2018 arising out of Charpokhari P.S. Case No. 139 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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