

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51537 of 2018

Arising Out of PS. Case No.-234 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Indrajeet Kumar, S/o Sri Kailash Yadav.
2. Devanand Kumar, S/o Sri Ramashish Gop.
Both are resident of Mohalla-Golapar, P.S. Dipnagar, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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

ORAL ORDER

2 23-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Excise
Case no. 234 of 2018 registered under Sections 30(a) of Bihar
Excise and Prohibition Act-2016.

200 lts. of country made liquor is said to have been
recovered from secret box made under the seat and dickey of the
Ambassador car and petitioner Indrajeet Kumar, who happens to
be its driver while petitioner Devanand Kumar sitting on the
said car were apprehended.

It is submitted by learned counsel for the petitioners
that no incriminating article has been recovered from conscious



physical possession of the petitioners. Petitioner no. 1 happens to be driver of the said car and was plying the same as per instruction of its owner without any knowledge of keeping of liquor in the secret box made under the seat and dickey of said car by its owner while petitioner no. 2 happens to be its commuter and was travelling on it without any knowledge of keeping of liquor in the car. There is no compliance of Section 100 Cr.P.C. Petitioner no. 1 has no criminal antecedent while one more case under Excise Act has been lodged against the petitioner no. 2, but his on bail in the said case. They have been languishing in custody since 11.07.2018.

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 Special Judge, Excise, Gaya in connection with Excise Case no. 234 of 2018.

(Prakash Chandra Jaiswal, J)

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