

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48303 of 2018

Arising Out of PS.Case No. -87 Year- 2018 Thana -RAJPUR District- EASTCHAMPARAN
(MOTIHARI)

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1. Pramod Kumar, Son of Vinod Sahni, Resident of Mhuara, P.S.- Aurai, District- Muzaffarpur.
 2. Md. Anwar Sah @ Md. Anwar, Son of Md. Mainul Sah, Resident of Village- Raghobpur, P.S.- Meenapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant singh,
Mr. Anil Kumar Sinha
For the Opposite Party/s : Mr. Ram Bachan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 08-08-2018 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 414 & 120/34 of the Indian Penal Code, Section 25(1-b)a, 26/35 of the Arms Act and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

9 liters of foreign liquor is said to have been recovered from the Scorpio vehicle and petitioners and others sitting in the said vehicle were apprehended. One of the accused, namely, Raju Kumar was apprehended with a pistol and a live cartridge.

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 articles or the vehicle in question. They have been falsely implicated in this case. They happen to be simple commuter of the said vehicle and they had no knowledge of keeping of the said article in the vehicle and carrying of arm and ammunition by its co-passengers. Similarly situated co-accused, namely, Raj Kishor Kumar @ Raj Kishor Rai and Rohit Kumar have been enlarged on bail by this Court in Cr. Misc. No. 44810 of 2018 vide order dated 24.07.2018 and other co-accused, namely, Upendra Mahto has been enlarged on bail by this Court in Cr. Misc. No. 44023 of 2018 vide order dated 20.07.2018. They have no criminal antecedent and have been languishing in custody since 10.06.2018.

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 4th Additional Sessions Judge-cum-Special Judge Excise Act, East Champaran, Motihari in connection with Rajepur P.S. Case No. 87 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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