

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51199 of 2018

Arising Out of PS.Case No. -643 Year- 2018 Thana -MOTIPUR District- MUZAFFARPUR

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1. Roop Nandan Rai, S/o Gajadhar Rai,
 2. Krishana Kumar,
 3. Tunna @ Arjun Kumar Both Sons of Roop Nandan Rai,
 4. Sujit Kumar S/o Late Mishri Lal Rai, All Residents of Vill.- Sadha Damber, Ward No. 12, P.S.- Motipur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 20-08-2018 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 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

44 litres of foreign liquor is said to have been



recovered from the ice-cream factory of the petitioners Roop Nandan Rai, Krishana Kumar and Tunna @ Arjun Kumar while 12 litres of foreign liquor was recovered from the field of Shiv Rai and the petitioner Sujit Kumar was apprehended from the aforesaid place.

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 any trade of liquor. It is submitted on behalf of the petitioners Roop Nandan Rai, Krishana Kumar and Tunna @ Arjun Kumar that though they happen to be owner of the ice-cream factory, but several labourers are working in the said factory and they had no knowledge of keeping of the liquor in the factory by someone. It is submitted on behalf of the petitioner Sujit Kumar that he has no concern either with the aforesaid liquor or place of recovery. Place of recovery is open place. He has been falsely implicated in the case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence. They have no criminal antecedent. They have been languishing in custody since 20.07.2018.

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, Muzaffarpur in connection with Motipur P.S. Case No. 643 of 2018.

(Prakash Chandra Jaiswal, J)

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