

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53690 of 2018

Arising Out of PS.Case No. -106 Year- 2018 Thana -MOHAMMADPUR District- GOPALGANJ

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1. Subodh Mishra, S/o. Late Dewnandan Mishra, R/o. Bishnupur Bramnageri, P.S.- Sakara, District- Muzaffarpur.
 2. Bablu Bhagat, S/o. Lazandew Bhagat, R/o. Saidpur, P.S.- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar

For the Opposite Party/s : Mr. Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 30-08-2018 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), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

186.375 litres of foreign liquor is said to have been recovered from the dicky of the Toyota Corolla and petitioner no. 1 Subodh Mishra who happens to be its driver and petitioner no. 2 Bablu Bhagat sitting in the said car 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 with the seized liquor. They have been falsely implicated



in the case at the instance of their enemies. Petitioner no. 1 Subodh Mishra who happens to be driver of the said vehicle was plying the same as per the instruction of the owner without knowledge of keeping of the said liquor in its dickey by its owner while petitioner no. 2 Bablu Bhagat happens to be a simple commuter and he had no knowledge of keeping the said liquor in the dickey of the said car. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 03.07.2018.

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 A.D.J.-II, cum Special Judge, Gopalganj in connection with Mohammadpur P.S. Case No. 106 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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