

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.863 of 2018

Arising Out of PS.Case No. -104 Year- 2017 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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1. Kundan Kumar, S/o Ram Bilash Mahto, R/o Village- Bhillu Chak, P.S.-
Darbhanga Sadar, District- Darbhanga.

2. Anand Kumar S/o Jawahar Mahto, R/o Village- Donarganj, P.S.-
Darbhanga Sadar, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2018 Heard the learned counsel for the petitioners and the

learned APP for the State.

The petitioners seek regular bail in connection with

N.H. Bangara PS case no. 104 of 2017 instituted for the offences

punishable under Sections 272, 273/34 of Indian Penal Code and

30(a) of the Bihar Excise and Prohibition Act, 2016.

The allegation is regarding recovery of 680 ltrs. of

Toddy from the auto rickshaw being driven by the petitioner no.1

and petitioner no. 2 was sitting in the said rickshaw.

The learned counsel for the petitioners submits

that the petitioners are merely the driver and co-passenger sitting

in the vehicle but they were carrying the recovered articles at the



behest of the consignor, hence they could not be made liable for the alleged recovery. It is further submitted that the petitioners have clean antecedents and they are in custody since 06.11.2017.

Considering the nature of accusation, clean antecedent of the petitioners and the period of custody undergone, I deem it fit and appropriate to enlarge the petitioners on regular bail. Accordingly, the petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge VI-cum-Special Judge (Excise), Samastipur in connection with N.H. Bangara PS case no. 104 of 2017.

(Mohit Kumar Shah, J)

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