

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51847 of 2018

Arising Out of PS.Case No. -122 Year- 2018 Thana -RAXAUL District- EASTCHAMPARAN
(MOTIHARI)

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1. Suresh Yadav son of Late Mishri Yadav,
2. Rambhu Yadav son of Shayam Sundar Yadav Both resident of
Village- Laxumanwa, P.S.- Palanawa District- East Champaran
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Asharaf Ansari

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

2 24-08-2018 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 & 273 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

About six persons are said to have been carrying 129
liters of Nepali saufi wine in the bags and during the course of
chase by the police, they managed to escape barring the petitioners
dumping the aforesaid bags containing liquor at the place of
occurrence.

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 article. They have been falsely implicated in this case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence while the real culprits managed to escape dumping the aforesaid liquor there seeing the police personnel. There is violation of Section 100 Cr.P.C. They have no criminal antecedent and have been languishing in custody since 05.06.2018.

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 Special Judge Excise, East Champaran, Motihari in connection with Raxaul P.S. Case No. 122 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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