

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29035 of 2018

Arising Out of PS.Case No. -39 Year- 2018 Thana -LODIPUR District- BHAGALPUR

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1. Lakshman Yadav, S/o Late Mahabir Yadav, R/o Vill.- Tiri, P.S. Saur Bazar, District- Saharsa.
 2. Pappu Kumar Yadav S/o Late Shambhu Yadav, R/o Vill.- Garhia, P.S. + District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 02-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

213.840 litres of foreign liquor is said to have been recovered from the carton kept in the Tata Sumo vehicle and the petitioner no.1 who happens to be its driver and petitioner no.2 Pappu Kumar Yadav sitting in the said vehicle 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 happens to be driver of the said vehicle and he had no knowledge of keeping of the liquor in the carton on the vehicle by its owner and he was simply transporting the said cartons as per the instruction of its owner while petitioner no.2 happens to be simple commuter of the said vehicle and was travelling in it taking lift from its driver without any knowledge of keeping of liquor in the said vehicle. Petitioner no.1 has no criminal antecedent. Though one more criminal case has been lodged against the petitioner no.2, but he is on bail in the aforesaid case. They have been languishing in custody since 16.03.2018.

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 4th Additional Session Judge cum Special Judge, Excise, Bhagalpur in connection with Lodipur P.S. Case No. 39 of 2018.

(Prakash Chandra Jaiswal, J)

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