

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45241 of 2018

Arising Out of PS.Case No. -201 Year- 2018 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN (MOTIHARI)

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1. Bhola Dewan S/o Duni Paswan R/o Chilraw, P.S. Turkawalia, Distt. E. Champaran.
2. Firoj Khan S/o Yar Mahmad R/o Vill Janerwa, P.S. Banjariya, Distt. E. Champaran.

.... Petitioners.

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

03 06-08-2018 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.

3460 liters of spirit is said to have been recovered from the truck and the petitioners sitting in the said truck were apprehended while another accused managed to escape.

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 spirit. They happen to be labourers and were sitting in the said truck to unload the said spirit at the destination. They have no criminal antecedent and have been languishing in custody since 24.04.2018.

On the other hand, learned A.P.P. for the State vehemently opposing the prayer for bail of the petitioners submitted that the seized spirit is in huge quantity and petitioners were apprehended from the truck in question, hence they do not deserve bail.

In the facts and circumstances of the case, the prayer for bail of the petitioners is hereby rejected. However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within a period of six months from the date of receipt/production of a copy of this order. The Superintendent of Police, East Champaran at Motihari is directed to produce the witnesses on each and every date fixed in the case without fail.

(Prakash Chandra Jaiswal, J)

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