

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27218 of 2018

Arising Out of PS.Case No. -196 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

- =====
1. Madhusudan Kumar @ Manoj Kumar, S/o Bidhan Chandra Rai.
 2. Sunil Kumar @ Shushil Kumar, S/o Maru Mahto.
 3. Chhotu Kumar @ Chadana Kumar, S/o Late Rama Shankar Mahto.
 4. Munna Kumar, S/o Mahesh Mahto, All resident of Village- Jaynagar Ward No. -9, P.S.- Sonbarsa, Dist.- Sitamarhi.
 5. Bhupesh Ranjan Kumar, S/o Tapeswar Mahto, Resident of Village- Basahiya, P.S.- Kanhauli, Dist.- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 26-07-2018 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) and 38 of the Bihar Prohibition and Excise Act, 2016.

1044 litres of Nepali saufi wine is said to have been recovered from the Bolero and the petitioners 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 happen to be simple commuter of the vehicle and were travelling in it without knowing keeping of the liquor in the said vehicle by its owner. They have been falsely implicated in the case by the personnel of Excise department merely on suspicion and real culprit managed to escape leaving the aforesaid liquor laden vehicle there. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 06.04.2018.

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, Excise Act, Sitamarhi in connection with Case No. C2-196/18/257/18.

(Prakash Chandra Jaiswal, J)

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