

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34845 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- FULKAHA District- Araria

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1. Prince Kumar Yadav, Son of Pappu Yadav,
 2. Bhola Yadav, Son of Sudhir Yadav, Both are resident of Village- Bhorahar, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-08-2018 Heard learned counsel for the petitioners and APP
for the State.

The petitioners seek bail in connection with Fulkaha P.S. Case no. 69 of 2018 registered for the offence punishable under Sections 30(a), 36, 38 of the Bihar Prohibition and Excise Act-2016.

891 lts. of foreign liquor is said to have been recovered from Mahendra Xylo vehicle and petitioners were apprehended in the course of escaping from the said vehicle while one other accused, namely, Nandan Yadav managed to escape.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from



conscious physical possession of the petitioners. They have no concern either with the seized liquor or with the vehicle in question. They have been falsely implicated in this case by one of the member of the raiding party, namely, Birendra Murmu due to grudge by apprehending them from their house in the night while they were asleep. There is no compliance of Section 100 Cr.P.C. Seizure list does not bear the signature of the petitioners. Petitioner no. 2 has no criminal antecedent while one more case under Excise Act has been lodged against the petitioner no. 1, but he is on bail in the said case. They have been languishing in custody since 16.04.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Araria in connection with Fulkaha P.S. Case no. 69 of 2018.

(Prakash Chandra Jaiswal, J)

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