

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43383 of 2018

Arising Out of PS.Case No. -308 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Anil Yadav, S/o- Late Surendra Yadav Resident of Village- Luxmipur Babu, P.S.- Patherwa, District- Kushinagar (UP)
2. Baleshwar Rai, S/o- Late Suresh Rai Resident of Village- Mada Chack- Dumaria, P.S.- Gopalpur, District- Gopalganj. Petitioners.

Versus

1. The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

03 03-08-2018 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 Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

132 liters of foreign liquor is said to have been recovered from the Maruti Wagon-R car and petitioner no.1-Anil Yadav who happens to be it driver and petitioner no.2-Baleshwar Rai 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. Petitioner no.1-Anil Yadav happens to be driver of the vehicle in question and he was driving the vehicle as per the



instruction of his owner without knowing keeping of the said liquor in the vehicle and petitioner no.2-Baleshwar Rai happens to be simple commuter of the vehicle and was travelling in it without knowing the liquor laden in the vehicle. They have been falsely implicated in this case. They have no criminal antecedent and have been languishing in custody since 22.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise Court, Gopalganj in connection with Gopalganj Nagar P.S. Case No.308/2018.

(Prakash Chandra Jaiswal, J)

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