

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60604 of 2017

Arising Out of PS.Case No. -299 Year- 2017 Thana -MASRAKH District- SARAN

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1. Ram Dhiraj, S/o Jangi Ram, R/o Village- Bahiriyawan (Bairaluya), P.S.- Paikoliya (Paipaliya), District- Basti, Uttar Pradesh.
 2. Rajesh Kumar @ Rajesh @ Rajesh Yadav, S/o Sudama Yadav, R/o Village- Chakhanipuram Chapra, Chakhani, Bhumihari Patti, P.S.- Pipra Bazar, Kushinagar, District- Kushinagar, Uttar Pradesh.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dewendra Narayan Singh, Advocate.

For the State : Mr. Kanhaiya Kishore, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-03-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 21.10.2017 in a case for the offence registered under Sections 272, 273 of the IPC, 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 6000 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 6000 liters wine is recovered from 30 containers which were kept on the Truck in question. The petitioner no. 1 is alleged to be the driver and petitioner no. 2 is alleged to be the *Khalasi* of the Truck in question. The name of the petitioners has come on the basis of alleged recovery made from the Truck in question. The petitioners had no knowledge regarding the goods booked by the Transporter. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 Additional District and Sessions Judge-6th, Saran at Chapra, in connection with Mashrak P.S. Case No. 299 of 2017.

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(Sudhir Singh, J)