

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22070 of 2018

Arising Out of PS.Case No. -30 Year- 2018 Thana -DARBHANGA District- DARBHANGA

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1. Sajan Kumar @ Sajan, son of Rameshwar Sharma.
 2. Prakash Kumar, son of Shankar Sahani, Both Resident of Village- Jitu Gachhi (Shivaji Nagar), P.S.- Town, District- Darbhanga (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in G.O. Case No. 151 of 2018 arising out of Darbhanga (Town) P.S. Case No. 30 of 2018 registered under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

94.65 litres of foreign liquor is said to have been recovered from the tempo and the petitioner no.1 Sajan Kumar who happens to be driver of the tempo and petitioner no.2 Prakash Kumar who was his commuter 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. As a matter of fact, some villager had loaded the gunny bag on the rear side of the tempo to be handed over to Guddu Bhatnagar resident of Bhatiari Sarai, Laheriasarai and the petitioner no.1 had no knowledge of keeping of the aforesaid liquor in the said gunny bag while petitioner no.2 happens to be simple commuter of the said tempo. They have no criminal antecedent. They have been languishing in custody since 18.02.2018.

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 Addl. Sessions Judge-IV cum Special Judge, Excise, Darbhanga in connection with G.O. Case No. 151 of 2018 arising out of Darbhanga (Town) P.S. Case No. 30 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

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