

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26572 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -ALAMGANJ District- PATNA

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1. Mukesh Kumar, S/o Ram Sewak Rai, R/v Saraipur, P.S.- Gangabridge, Distt.- Vaishali.
 2. Shambhu Kumar S/o Nanak Rai @ Nanhak Ray, R/v Saraipur, P.S.- Gangabridge, Distt.- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

50 litres of country made liquor, two live cartridges and one misfire cartridge are said to have been recovered from the possession of the petitioners and the petitioners 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 have been falsely implicated in the case by the police by planting aforesaid recovery from their possession over some altercation made between them on not coughing up the demand of graft made by the police. Moreover, without any firearm, cartridges are useless. They have no criminal antecedent. They have been languishing in custody since 01.02.2018.

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 Special Judge, Excise, Patna in connection with Special Case No. 863 of 2018 arising out of Alamganj P.S. Case No. 47 of 2018.

(Prakash Chandra Jaiswal, J)

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