

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26406 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District -
SAMASTIPUR

- =====
1. Md. Shamim Rain, S/o Md. Islam,
 2. Md. Haidar S/o Md. Mobin, Both R/o of Vill.- Rasalpur, P.S.- Haya Ghat, Distt.- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 03-05-2018 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 Sections 30(a) and 38(d) of the Bihar Prohibition and Excise Act, 2016.

480 litres of toddy is said to have been recovered from RE Maxima three wheeler and owner of the said vehicle managed to escape while petitioners 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 either with the seized article or with the vehicle in question. They happen to be simple commuter of the said vehicle and they had no knowledge of keeping of the aforesaid article in the vehicle by its owner and driver who managed to escape seeing the police party. They have no criminal antecedent. They have been languishing in custody since 15.03.2018.

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 3rd Addl. Sessions Judge cum Special Judge, Excise Act, Samastipur in connection with Excise Case No. 90 of 2018.

(Prakash Chandra Jaiswal, J)

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