

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38227 of 2018

Arising Out of PS.Case No. -88 Year- 2018 Thana -SARAI District- VAISHALI(HAJIPUR)

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1. Mukesh Kumar, Son of Laxman Rai,
 2. Rajesh Kumar, Son of Rajendra Singh, Both are resident of Village- Mahua Singh Rai, Police Station- Mahua in the district of Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 414 and 120B of the Indian Penal Code and Sections 30(a) and 35(a) of the Bihar Prohibition and Excise Act, 2016.

3817.800 litres of foreign liquor is said to have been recovered from a truck and petitioner no.1 Mukesh Kumar along with other accused persons sitting in the truck and petitioner no.2 Rajesh Kumar escorting the truck on the motorcycle 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 liquor or with the truck in question. Petitioner no.1 Mukesh Kumar happens to be simple commuter of the aforesaid truck and was travelling in it taking lift from its driver without any knowledge of keeping of the aforesaid liquor in the truck while petitioner no.2 Rajesh Kumar was proceeding to his destination on his motorcycle ahead of the aforesaid truck. They have been falsely implicated in the case by the police merely on suspicion. It is further submitted that driver Salim, khalasi Mujid Khan and one other person Vinay Kumar sitting in the truck have been enlarged on bail by a co-ordinate bench of this court vide order dated 10.07.2018 and 09.07.2018 passed in Cr. Misc. No. 40864 of 2018 and 39089 of 2018 respectively. They have no criminal antecedent. They have been languishing in custody since 19.05.2018.

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. District and Sessions Judge-II cum Special Judge, Vaishali at Hajipur in connection with Sarai P.S. 88 of 2018.

(Prakash Chandra Jaiswal, J)

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