

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43308 of 2018

- =====
1. Karan Kumar @ Karan Kumar Sah, Son of Satish Sah, Resident of village – Murliganj, Ward No. 14, P.S.-Murliganj, District-Madhepura.
 2. Md. Asif, Son of Md. Jasim, Resident of village – Kashipur, Ward No.1, Murliganj, P.S.-Murliganj, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Tarkeshwar Nath

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

15 litres of country made liquor is said to have been recovered from an Auto and petitioner no.1 Karan Kumar who happens to be driver and petitioner no.2 Md. Asif sitting in the said Auto 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. Petitioner no.1 Karan Kumar



happens to driver of the vehicle in question and Petitioner no.2 Md. Asif its commuter and they had no knowledge of keeping of the liquor in the said Auto. They have been falsely implicated in the case at the instance of their enemies. Seizure list does not bear the signature of the petitioners. Petitioner no.2 has no criminal antecedent. Though one more criminal case has been lodged against petitioner no.1, but he is on bail in the said case. They have been languishing in custody since 09.06.2018.

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, Madhepura in connection with Excise Case No. 209 of 2018 arising out of Murliganj P.S. Case No. 199 of 2018.

(Prakash Chandra Jaiswal, J)

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