

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44064 of 2018

Arising Out of PS. Case No.-250 Year-2018 Thana- LAKHISARAI District- Lakhisarai

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1. Solzar Kumar, S/o Mantun Singh, R/o Vill.- Lakho, Near Shiv Mandir,
 2. Rajesh Kumar @ Gorelal S/o Pago Mahto, R/o Vill.- Lakho Nipania. Both P.S.- Lakho (O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar 3, APP 89

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Lakhisarai (Kavaiya) P.S. Case No. 250 of 2018 registered under Sections 272, 273, 467, 468 and 120B of the Indian Penal Code and Sections 30(a), 32(c) and 38(a) of the Bihar Prohibition and Excise Act, 2016.

84.1 liters of foreign liquor is said to have been recovered from the Tata Safari Car. The petitioner no. 1, Solzar Kumar, who happens to be the driver and petitioner no. 2, Rajesh Kumar, who happens to be the co-driver of the said vehicle, were apprehended.



It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from their conscious physical possession. They have no concern with the seized liquor. They had no knowledge of keeping of aforesaid liquor in the box made in the car by its owner and were plying the said car as per instruction of its owner. There is violation of Section 100 of the Criminal Procedure Code. They have no criminal antecedent. They have been languishing in custody since 16.05.2018.

Considering the facts, aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Lakhisarai (Kavaiya) P.S. Case No. 250 of 2018 to the satisfaction of the Additional Sessions Judge II-cum-Special Judge (Excise), Lakhisarai.

(Prakash Chandra Jaiswal, J)

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