

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48145 of 2018

Arising Out of PS.Case No. -99 Year- 2018 Thana -PIYAR District- MUZAFFARPUR

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1. Chandraveer Kumar Rai @ Chandraveer, Son of Ram Lakhan Rai, Resident of Village- Shahuri, P.S.- Chak Maheshi, District- Samastipur.
 2. Avinash Chandra @ Manna @ Memna, Son of Sri Radha Shyam Thakur, Of Village- Tepri, P.S.- Piar, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 07-08-2018 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 272, 273, 120B and 414 of the Indian Penal Code and Sections 30(a), 35(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

247.5 litres of foreign liquor is said to have been recovered from the Fortuner vehicle parked at the door of Sudhanshu Kumar @ Moti which was unloaded from a truck and four accused persons including the said Sudhanshu Kumar were apprehended in the course of escaping while others managed to escape. Said Sudhanshu Kumar disclosed the name of the petitioner as one of his fleeing accomplices.

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 vehicle in question. They were not apprehended on the spot. They have been falsely implicated in the case by the Sudhanshu Kumar due to animosity. Barring the aforesaid disclosure of the apprehended accused, there is nothing in the record indicating the complicity of the petitioners in the occurrence. They have no criminal antecedent. They have been languishing in custody since 04.07.2018. Similarly situated co-accused Sanjeet Kumar @ Sanju has been enlarged on bail by this court vide order dated 03.08.2018 passed in Cr. Misc. No. 47485 of 2018 while Sanjeev Kumar Rai has been enlarged on anticipatory bail by a co-ordinate bench of this Court vide order dated 25.07.2018 passed in Cr. Misc. No. 44461 of 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, Muzaffarpur in connection with Piar P.S. Case No. 99 of 2018.

(Prakash Chandra Jaiswal, J)

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