

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50981 of 2018

Arising Out of PS.Case No. -197 Year- 2018 Thana -JAYNAGAR District- MADHUBANI

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Nitesh Kumar Yadav, Son of Mahendra Prasad Yadav, Resident of
Village- Gobrahi, P.S.- Jainagar, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.51026 of 2018

Arising Out of PS.Case No. -197 Year- 2018 Thana -JAYNAGAR District- MADHUBANI

- =====
1. Sharwan Kumar Yadav @ Sharwan Yadav S/o Late Arun Yadav.
 2. Sikandar Yadav S/o Latu Yadav.
 3. Durganand Yadav S/o Satya Narayan Yadav. All of resident of Village-
Yogiya, P.S. Ladaniya, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.50981 of 2018)

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Anish Chandra

(In Cr.Misc. No.51026 of 2018)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 20-08-2018 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 and 273/34 of the Indian



Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

603 litres of foreign liquor is said to have been recovered from the Maruti Van and petitioners and another accused managed to escape taking benefit of darkness.

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 or any trade of liquor. They have been falsely remanded in the case from Jaynagar P.S. Case No. 201 of 2018 blaming them as trafficker of the liquor. They have been enlarged on bail in the aforesaid case by learned lower court. They were not apprehended on the spot. There is violation of Section 100 Cr.P.C. Barring the aforesaid case petitioners have no criminal antecedent. They have been languishing in custody since 15.05.2018. Similarly situated co-accused, namely, Shambhu Yadav and Kari Yadav have been enlarged on bail by this court vide order dated 03.08.2018 and 07.08.2018 passed in Cr. Misc. No. 47600 of 2018 and Cr. Misc. No. 48110 of 2018 respectively.

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 Additional District & Sessions Judge-Ii cum Special Judge, Excise Act, Madhubani in connection with Jainagar P.S. Case No. 197 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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