

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52454 of 2018

Arising Out of PS. Case No.-129 Year-2018 Thana- THAWE District- Gopalganj

1. Firoz Ansari, S/o Samsuddin Ansari.
2. Ijhar Ansari, S/o Maula Sarif Ansari.
Both are of R/o Vill-Koini Bujurg, P.S.-Tareya Suja, District-Kushi Nagar
(U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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

ORAL ORDER

2 25-08-2018 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Thawe
P.S. Case No. 129 of 2018 registered for the offence punishable
under Sections 30(a), 35, 38 of Bihar Prohibition Excise Act,
2016.

172.800 lts. of foreign liquor is said to have been
recovered from beneath the seat and dickey of Maruti Wagon-R
car and petitioner Firoz Ansari, who happens to be its driver
while petitioner Ijhar Ansari sitting on the said car were
apprehended.

It is submitted by learned counsel for the



petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They have no concern with the seized liquor. The petitioner no. 1 happens to be driver of the said car and was plying the same as per instruction of its owner without any knowledge of keeping of liquor beneath its seat and in the dickey of the car by its owner while petitioner no. 2 happens to be its commuter and was travelling on it without any knowledge of keeping of liquor in the car. There is no compliance of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 12.07.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Thawe P.S. Case No. 129 of 2018.

(Prakash Chandra Jaiswal, J)

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