

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52333 of 2018

Arising Out of PS.Case No. -209 Year- 2018 Thana -BELAGANJ District- GAYA

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1.Rajesh Kumar Son of Madheshar Prasad
2.Sanjiv Kumar Son of Binay Prasad
3.Binay Prasad Son of late Ram Brich Prasad All resident of Village- Birbal
Bigha P.S.- Belagan, in the District of Gaya

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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**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 a case registered for the
offence punishable under Sections 30 (a) and (d) of the Bihar
Prohibition and Excise Act, 2016.

20 liters of country made liquor is said to have been
recovered from the possession of the petitioner no.1-Rajesh
Kumar and on his disclosure 30 kgs. Mahua, 75 gm. jaggery, gas
cylinder and brewing machine were recovered from the shop of
petitioner no.2-Sanjiv Kumar while 8 gas cylinders were
recovered from the house of petitioner no.3-Binay Prasad and all
the petitioners were apprehended.

It is submitted by learned counsel for the petitioners that



- 2 -

no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized article or any activity of brewing liquor. They have been falsely implicated in this case at the instance of their enemy by planting the aforesaid recovery from their possession. There is violation of Section 100 Cr.P.C. They have no criminal antecedent and have been languishing in custody since 21.07.2018.

In the facts and circumstances of the case, 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, Gaya in connection with Belaganj P.S. Case No. 209 of 2018.

(Prakash Chandra Jaiswal, J)

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