

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24418 of 2018

Arising Out of PS.Case No. -41 Year- 2018 Thana -JOKIHAT District- ARRARIA

- =====
1. Molesh Singh @ Molay Singha, Son of Dinesh Singh, Resident of village + Police Station – Khoribari, District – Darjeeling (W.B.).
 2. Prashant Barman, Son of Prafullo Barman, Resident of village – Kesoduba, Police Station – Khoribari, District – Darjeeling (W.B.)
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha

For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 19-06-2018 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 38(1) of the Bihar Prohibition and Excise Act, 2016.

759.60 litres of foreign liquor is said to have been recovered from the pick up van and the petitioner no.1 Molesh Singh who happens to be driver of the said vehicle, petitioner no.2 Prashant Barman khalasi of the said vehicle and one Wojet Singh sitting in the said vehicle were apprehended.

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 with the seized liquor. Petitioners happen to be driver and khalasi respectively of the aforesaid vehicle. The owner of the vehicle had loaded the carton containing liquor in the aforesaid vehicle at Siliguri and they had no knowledge of the contents of the carton. They have been falsely implicated in the case. They have no criminal antecedent. They have been languishing in custody since 19.02.2018.

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 2nd Addl. Sessions cum Special Judge, Araria in connection with Jokihat P.S. Case No. 41 of 2018 corresponding to Special Case No. 246 of 2018.

(Prakash Chandra Jaiswal, J)

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