

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41807 of 2018

Arising Out of PS.Case No. -325 Year- 2018 Thana -BODHGAYA District- GAYA

=====

1. Uday Kumar Singh @ Uday Kumar, Son of Ram Swarup Singh, resident of Village Mainko More Dhanbad P.S. Barbatta, District Dhanbad.
2. Binod Kumar Choudhary Son of Ram Chandra Choudhary, Resident of Mohalla- Kumhar Toli Kankerbag, P.S. Kankerbag, District- Patna.

.... Petitioners.

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Uday Chand Prasad

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

04 24-08-2018

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 and 120 (B) of the Indian Penal Code and Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

891 liters of foreign liquor is said to have been recovered from the pickup van and its driver, namely, Sujay Mukherjee was apprehended and on his disclosure the petitioners were apprehended from Maruti Suzuki Dzire car as the trafficker of the liquor.



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 the vehicle in question or any trade of liquor. They have been falsely implicated in this by the apprehended accused due to animosity. Barring the said disclosure of the apprehended accused, there is nothing on record indicating the complicity of the petitioners in the occurrence. Though two more cases under the Excise Act have been lodged against the petitioner no.1 and one more case under the Excise Act has been lodged against petitioner no.2 but they are on bail in the aforesaid cases. They have been languishing in custody since 29.05.2018. Similarly situated accused persons, namely, Anna @ Suraj Saw and Ranjit Kumar, who are said to be trafficker of the liquor, have been enlarged on anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No.49420 of 2018 and Cr. Misc. No.49523 of 2018 both vide order dated 10.08.2018.

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



- 3 -

learned Special Judge (Excise Act), Gaya in connection with
Bodh Gaya P.S. Case No. 325 of 2018.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

