

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51519 of 2018

Arising Out of PS. Case No.-297 Year-2018 Thana- BRAHMPUR District- Buxar

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1. Babu Jan Ansari, Son of Manan Ansari @ Munnan Ansari, resident of Nidharia, P.S.- Febua, District- Balia (U.P.).
 2. Raju Kumar Yadav, Son of Nima Yadav, resident of Tekardera Mohammadpur, P.S.- Bichala Ghat, District- Balia (U.P.).
 3. Tinku Sahni, Son of Bhola Sahni, Resident of Mohammadpur Diar Teka Dera, P.S.- Balia, District- Balia (U.P.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with
Brahampur P.S. Case no. 297 of 2018 registered under Sections
30(a) and 41 of Bihar Excise and Prohibition Act-2016.

320.760 lts. of foreign liquor is said to have been
recovered from dickey and beneath the back seat of Tata Safari
vehicle and petitioner no. 1, who happens to be its driver while
petitioner nos. 2 and 3 sitting on the said vehicle 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. Petitioner no. 1 happens to be driver of the vehicle in question and was plying the same as per instruction of its owner to transport the article kept in the cartoon and the bag to its destination without any knowledge of keeping of liquor in the said cartoon and bag while petitioner nos. 2 and 3 happens to be commuters of the said vehicle and were travelling on it taking lift from its driver on the way without any knowledge of keeping of liquor in the vehicle. They have no criminal antecedent. They have been languishing in custody since 23.06.2018.

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 A.D.J.-II-cum-Special Judge, Excise Act, Buxar in connection with Brahampur P.S. Case no. 297 of 2018.

(Prakash Chandra Jaiswal, J)

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