

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.717 of 2018

Arising Out of PS.Case No. -497 Year- 2017 Thana -GANDHIMAIDAN District- PATNA

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1. Md. Asraf @ Sagar, S/o Late Md. Sabban, R/o Mohalla- Bakarganj, P.S.- Purbahar, District- Patna, State- Bihar.
 2. Md. Shamshad @ Md. Samshad S/o Narul Hasan, R/o Mohalla- Bakarganj Kadamkuan, Daldali Road, Imalital, P.S.- Kadamkuan, District- Patna, State- Bihar.
 3. Rinku S/o Late Md. Daulare, R/o Mohalla- Bakarganj, Behind Mona Ciema Hall, P.S.- Purbahar, District- Patna, State- Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-01-2018 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Special Case No. 7502 of 2017 arising out of Gandhi Maidan P.S. Case No. 497 of 2017 for the offences punishable under Sections 30(a)/37(a)/38(a)/41(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation of the prosecution is that two cars were standing behind the cinema hall and the police got secret information that illicit liquor has been kept in the said cars. The police reached there and recovered 231.75 liters of illicit liquor



from one Scorpio vehicle and 375 ml royal stag foreign liquor was recovered from the car. It is further alleged that upon query it was transpired that the petitioners herein were running illicit liquor business and the said illicit liquor belongs to them.

The learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case and, in fact, no recovery has been effected from their conscious possession as well as they are neither the owner nor the driver of the said vehicle. It is further submitted that the petitioners have a clean antecedent and they are in custody since 9.11.2017.

Considering the nature of accusation, the period of custody already undergone and the fact that the petitioners have a clean antecedent, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna in connection with Special Case No. 7502 of 2017 arising out of Gandhi Maidan P.S. Case No. 497 of 2017.

(Mohit Kumar Shah, J)

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