

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45918 of 2018

Arising Out of PS.Case No. -131 Year- 2018 Thana -RAGHOPUR District- SUPAUL

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1. Md. Iftekhar @ Iftekhar, S/o Md. Jainuddin @ Joinuddin R/o Vill.-
Khikhir Tola, P.S.- Chakulia, District- North Dinajpur, West Champaran.
2. Khurshid Alam S/o Kabiruddin @ Kabir Alam, R/o Vill.- Chirua Gandal
, P.S.- Chakulia, District- Uttar Dinajpur, West Bengal.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rama Kant Singh, Adv.

For the Opposite Party : Mr. Ganesh Prasad Singh, APP-198

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 02-08-2018 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 279, 337 338 and 304(A) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Maruti Swift Desire met with an accident due to rash and negligent driving of the said vehicle by its driver resultantly the driver Md. Kaishar Alam was seriously injured and succumbed to his injury during the course of treatment and petitioners sitting in the said vehicle were also injured and 93.6 foreign liquor was recovered from the said vehicle.

It is submitted by learned counsel for the petitioners that no



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incriminating article has been recovered from the conscious physical possession of the petitioners. They have been falsely implicated in this case. They have no concern either with the seized liquor or the vehicle in question. They happen to be simple commuters of the said vehicle and had no knowledge of keeping of the said liquor in the dicky of the vehicle. The driver of the vehicle was plying the vehicle very rashly and negligently despite warning given by them and ultimately met with an accident and the said driver lost its life in the accident. They have no criminal antecedent and have been languishing in custody since 23.05.2018.

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 Additional District and Sessions Judge-II-cum-Special Judge (Excise), Supaul, in connection with Raghapur P.S. Case No. 131 of 2018.

(Prakash Chandra Jaiswal, J)

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