

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44112 of 2018

Arising Out of PS.Case No. -98 Year- 2018 Thana -FULKAHA District- ARRARIA

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1. Jitendra Kumar Mandal, Son of Raj Kumar Mandal, Resident of Village- Gopalpur, Ward No. 05.
2. Sanjeet Kumar@ Sanjeet Kumar Mukhiya, Son of Taranand Mukhiya, resident of Village- Chirhi Hanuman Nagar, Ward No. 12, both are under the Police Station- Saraigarh- Bhaptiyahi, District- Supaul.

.... Petitioners.

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 23-07-2018 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 Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

756 liters of Nepali Saufi Wine is said to have been recovered from the Bolero vehicle and petitioners 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 either



with the seized liquor or the vehicle in question. They have been falsely implicated in this case by the police merely on refusal to become seizure list witnesses when they were passing through the place of occurrence at the time of occurrence while the real culprit managed to escape seeing the police party. There is no independent witness of the seizure list rather witnesses are members of the raiding party. There is violation of Section 100 Cr.P.C. The petitioners have no criminal antecedent and have been languishing in custody since 09.06.2018.

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 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No.671 of 2018, arising out of Fulkaha P.S. Case No.98 of 2018.

(Prakash Chandra Jaiswal, J)

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