

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34749 of 2018

Arising Out of PS.Case No. -113 Year- 2018 Thana -KHAGAUL District- PATNA

- =====
1. Biraju Kumar, S/o Sri Mahesh Choudhary, Resident of Village- Jat Dumari (Jar Dumari), P.S.- Punpun, District- Patna.
 2. Vikash Kumar, S/o Late Bhukhal Ram, Residence of Village- Nima, P.S.- Pipra, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 23-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

990 litres of toddy is said to have been recovered from the tempo and the petitioners were apprehended in the course of escaping from the said tempo.

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 with the seized toddy. They have been falsely implicated



in the case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence to purchase some articles from the market and real culprit managed to escape leaving the toddy laden tempo there seeing the police party. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 06.05.2018.

Considering the facts aforesaid, 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 Special Judge, Excise, Patna in connection with Special Case No. 4267 of 2018 arising out of Khagaul P.S. Case No. 113 of 2018.

(Prakash Chandra Jaiswal, J)

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