

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49478 of 2018

Arising Out of PS.Case No. -364 Year- 2018 Thana -ARA NAWADA District- BHOJPUR

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1. Nitesh Kumar, S/o. Sajjan Mishra, R/o. Village- Bishunpur Baghnagari, P.S.- Sakra, District- Muzaffarpur.
 2. Arun Kumar, S/o. Jagbir Singh, R/o. Sector No. 3 Rohtak near Sri Ram School Flat No. 49, P.S., Arban State, District- Rohtak, Haryana.
- Petitioners.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 10-08-2018 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 30 (a), 38(1) (2), 41(1) (2) and 47 of the Bihar Prohibition and Excise Act, 2016.

9179.72 liters of foreign liquor is said to have been recovered from two trucks and six persons including the petitioners, owner and drivers of the aforesaid vehicles were apprehended from the place of parking of the aforesaid vehicles. The driver of the truck, namely, Balmendra Singh disclosed the name of petitioner no.1-Nitesh Kumar as collector of sale proceeds and petitioner no.2-Arun Kumar as mediator.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious



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physical possession of the petitioners. They have no concern either with the seized liquor or the aforesaid vehicles or any trade of liquor. They have been falsely implicated in this case by the apprehended accused Balmendra Singh due to animosity. Barring the said disclosure, there is nothing on record indicating the complicity of the petitioner in this case. They were falsely apprehended while they were passing through the place of occurrence at the time of occurrence. They have no criminal antecedent and have been languishing in custody since 29.05.2018.

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 Special Judge Excise Act, Bhojpur, Ara in connection with Ara Nawada P.S. Case No. 364 of 2018, Excise Case No. 922 of 2018, subject to condition that one of the bailers of petitioner no.2-Arun Kumar would be a local person.

(Prakash Chandra Jaiswal, J)

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