

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46679 of 2018

Arising Out of PS.Case No. -313 Year- 2018 Thana -ARARIA District- ARRARIA

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1. Sabir Alam @ Sabir, Son of Md. Sultan @ Sultan Khan, Resident of Village- Raniganj, P.S.- Raniganj, District- Araria.
2. Md. Babul @ Md. Bablu (Babul), Son of Md. Hashim, Resident of Village- Gaiyari, P.S. & District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Akbar Ali (APP-7)

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 01-08-2018 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) and 38 of the Bihar Prohibition and Excise Act, 2016.

235 liters of cough syrup is said to have been recovered from the field located towards West of the Godhi Chauk and petitioners and one another accused, namely, Abhishek Anand @ Golu were apprehended and five other accused persons managed to escape.

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 place of recovery. The place of recovery is an open place and easily accessible to anyone. They have been falsely implicated in this case by the police merely on suspicion while they had gone to attend the call of nature at the place of occurrence at the time of occurrence and real culprit managed to escape dumping the aforesaid liquor there seeing the police party. They have no criminal antecedent. They have been languishing in custody since 31.05.2018.

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 2nd Additional Sessions Judge cum Special Judge, Excise Act, Araria in connection with Special Excise Case No. 640 of 2018 arising out of Araria Police Station case No. 313 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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