

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23027 of 2018

Arising Out of PS. Case No.-321 Year-2017 Thana- Lakhisarai District- Lakhisarai

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1. Rajeev Kumar S/o Jhingan Yadav
 2. Muni Yadav @ Munni Yadav @ Munna Yadav S/o late Shyam Sunder Yadav, Both are resident of Barhi Kabaiya, Police Station- Kabaiya, District- Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-04-2018 Heard Sri Amrendra Kumar, learned counsel for the petitioners and Sri A.M.P. Mehta, learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Lakhisarai (Kabaiya) P.S. Case No. 321 of 2017 registered for offence under Sections 30(a), 32(c), 38(b) of the Bihar Prohibition and Excise Act, 2016 and Sections 272, 273 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

By way of referring to F.I.R., learned counsel for the petitioners submits that from a pick-up van, huge quantity of country-made liquor was recovered and driver of the vehicle, who was also owner and *khalasi*, who was son of the driver, both were arrested and they disclosed name, as if, petitioners



and others were actual owner of the liquor. He submits that save and except confessional statement of accused, there is nothing to connect either of the petitioners in the present case. He further submits that it is true that earlier petitioners were made accused in a case, but that case was not in relation to offences under Excise Act, rather due to dispute in *gotiya*, frivolous case was instituted.

Considering the fact that petitioners' name has come only on confessional statement of the accused, in the event of arrest or surrender within a period of six weeks from today, let both petitioners namely Rajeev Kumar and Muni Yadav @ Munni Yadav @ Munna Yadav 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 learned A.D.J. 2nd cum Special Judge (Excise), Lakhisarai connection with Lakhisarai (Kabaiya) P.S. Case No. 321 of 2017 subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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