

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10089 of 2018

Arising Out of PS.Case No. -78 Year- 2018 Thana -BARACHATTI District- GAYA

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1. Rakesh Kumar, S/o Ramamuni Singh @ Ram Muni Singh,
2. Chandan Kumar S/o Munilal Sao, Both R/o Village- Dhanpura, P.S.-
Dinara, District- Rohtas. Petitioners.

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

04 25-04-2018

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Barachatti P.S. Case No.
78 of 2018 registered under Section 30 (a), 38 & 47 of the Bihar
Prohibition and Excise Act, 2016.

288 liters of foreign liquor is said to have been
recovered from the Bolero Pick-up Van and the petitioner no.1-
Rakesh Kumar, who happens to be driver of the said vehicle and
petitioner no.2-Chandan Kumar 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 been
falsely implicated in this case. Petitioner no.1 happens to be driver



of the said vehicle, while petitioner no.2 had taken lift from its driver at the time of his apprehension. They had no knowledge of keeping the aforesaid liquor in the 'Dala' of the aforesaid vehicle by its owner. They have no criminal antecedent and have been languishing in custody since 29.01.2018.

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, Gaya in connection with Barachatti P.S. Case No.78 of 2018.

(Prakash Chandra Jaiswal, J)

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