

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48364 of 2018

Arising Out of PS.Case No. -313 Year- 2018 Thana -SHERGHATI District- GAYA

- =====
1. Samir Raj, Son of Late Bhola Pandit, Resident of Village- Hisua, Police Station- Hisua, District- Nawada.
 2. Raj Gupta Son of Shambhu Gupta, Resident of Mohalla- Daiguddu, Azad Nagar, Police Station- Mango, District- East Singhbhum, Jamshedpur, (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 08-08-2018 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 272, 273 and 414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

108 liters of beer is said to have been recovered from dickey of the car and petitioner, namely, Raj Gupta who happens to be its driver and petitioner Samir Raj sitting in the said car 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 no concern with the seized liquor. Petitioner Raj Gupta who happens to be driver of the car in question was plying the same without any knowledge of keeping of the liquor in its dickey by its owner. While petitioner Samir Raj was travelling by the said car by taking lift from the driver without any knowledge of keeping of liquor in the aforesaid car. They have been falsely implicated in this case. There is violation of Section 100 Cr.P.C. They have no criminal antecedent and have been languishing in custody since 09.06.2018.

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, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 313 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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