

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47620 of 2018

Arising Out of PS.Case No. -97 Year- 2018 Thana -DUMRIAGHAT District- EASTCHAMPARAN
(MOTIHARI)

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1. Rajesh Puniya @ Rajesh Punirya @ Rajesh Purnia, S/o Raghubir Singh @ Raghubeer, resident of village – Birhan, P.S.-Chaher Kala, District-Bhiwani (Hariyana)
 2. Azad, son of Rawat Singh, resident of village – Bhopali, P.S.-Badra, District-Bhiwani (Hariyana).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 03-08-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

114.500 litres of foreign liquor is said to have been recovered from the dickey of the Maruti car and the petitioner no.1 Rajesh Puniya who happens to be its driver and petitioner no.2 Azad 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 no.1 Rajesh Puniya happens to be driver of the said car and was plying it as per the instruction of his owner without any knowledge of keeping of liquor in the dickey of the car by its owner while petitioner no.2 Azad happens to be commuter and was travelling in it taking lift from its driver without any knowledge of keeping of liquor in the car. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 11.06.2018.

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 7th Addl. Sessions Judge cum Special Judge, Excise Act, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 97 of 2018.

(Prakash Chandra Jaiswal, J)

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