

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47605 of 2018

Arising Out of PS.Case No. -99 Year- 2018 Thana -PIYAR District- MUZAFFARPUR

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1. Kuldeep Singh @ Kuldeep, Son of Balban Singh, resident of Village-Baghana, P.S. Elka, District- Jind (Haryana).
 2. Birendra Singh, Son of Diwan Singh, Resident of Village H.No. 760, Housing Board, P.S.- Sadar, District- Jind (Haryana).
 3. Surendra Dhillan, Son of Tekchand, Resident of Village H.No. 2333, Ward No. 14, Urban Estate, P.S. Jind, District- Jind (Haryana).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 07-08-2018 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, 120B and 414 of the Indian Penal Code and Sections 30 (A), 35(A), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

247.5 liters of foreign liquor is said to have been recovered from the Fortuner vehicle and tractor which was unloaded from a truck parked at the door of Sudhanshu Kumar @ Moti and four accused persons including the petitioner were apprehended in the course of escaping from the aforesaid place while others managed to escape and from the possession of the petitioner Kuldeep Singh, cash of Rs. 1,87,000/- was recovered.



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 vehicles in question or with the alleged money. They have been falsely implicated in this case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence while the real culprit managed to escape dumping the aforesaid liquor there seeing the police personnel. Though cash of Rs. 1,87,000/- is said to have been recovered from petitioner Kuldeep Singh but there is no such seizure list about the seizure of the aforesaid cash from his possession. The seizure list does not bear the signature of the petitioners. There is violation of Section 100 Cr.P.C. They have no criminal antecedent and have been languishing in custody since 13.06.2018.

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, Muzaffarpur in connection with Piar P.S. Case No. 99 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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