

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50739 of 2018**

Arising Out of PS. Case No.-55 Year-2018 Thana- AMBA District- Aurangabad

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1. Mantu Kumar, S/o Upendra Singh, R/o Vill.- Tandua, P.S.- Narari Kala Khurd , District- Aurangabad.
  2. Upendra Singh S/o Late Kesho Singh, R/o Vill.- Tandua, P.S.- Naraw Kala Khurd, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

3      29-08-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in connection with Amba  
P.S. Case no. 55 of 2018 registered under Sections 30(a) and 38  
of Bihar Excise and Prohibition Act-2016.

220 lts. of country made liquor is said to have been  
recovered from the tempo and three persons including the  
petitioners sitting on the said tempo were apprehended.  
Petitioner no. 1 happens to be driver of the said tempo while  
petitioner no. 2 its owner.

It is submitted by learned counsel for the petitioners  
that no incriminating article has been recovered from conscious



physical possession of the petitioners. They have no concern with the seized liquor. They happens to be mere driver and owner of the tempo in question and were plying the aforesaid tempo without any knowledge of keeping of liquor in the sack on the tempo by its commuter, who managed to escape leaving the aforesaid sack containing liquor on the tempo seeing the police personnel and they have been falsely implicated in this case. They have no criminal antecedent. They have been languishing in custody since 29.06.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Amba P.S. Case no. 55 of 2018.

**(Prakash Chandra Jaiswal, J)**

rohit/-

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