

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42774 of 2018

- =====
1. Santosh Kumar @ Bhola, S/o. Narendra Singh @ Narendra Kumar Singh.
 2. Vivek Kumar, S/o. Gopal singh,
Both residents of Village- Basdiha, Police Station- Karakat, Distt.-
Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

388.800 litres of foreign liquor is said to have been
recovered from the road side pond located in village Balia Kothi
and the petitioners were apprehended while one other accused
managed to escape.

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 with the place of recovery.



Place of recovery is open place and is accessible to anyone. As a matter of fact, the petitioner had gone to attend call of nature on the bank of the pond during wee hours and have been falsely implicated in the case by the police merely on suspicion while real culprit managed to escape dumping the aforesaid liquor there seeing the police party. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 12.06.2018.

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 Additional District & Sessions Judge-II –cum- Special Judge, Excise Act, Rohtas at Sasaram in connection with Nasriganj P.S. Case No. 138 of 2018.

(Prakash Chandra Jaiswal, J)

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