

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54077 of 2018

Arising Out of PS.Case No. -46 Year- 2018 Thana -DEODHA District- MADHUBANI

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1. Baleshwer Yadav @ Bale Yadav, Son of Basudeo Yadav, Resident of Pithawatole, P.S.- Deodha, District- Madhubani.
 2. Sharwan Yadav @ Sharwan Kumar Yadav, Son of Dhyani Yadav, Resident of Village- Akaunna, P.S.- Deodha, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 31-08-2018 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 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

63 litres of Nepali liquor is said to have been recovered from the motorcycle of the petitioner no.2 Sharwan Yadav being carried by him at the instance of petitioner no.1 Baleshwar Yadav. Petitioner no.2 Sharwan Yadav was apprehended while petitioner no.1 Baleshwar Yadav 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 with the seized liquor. They have been falsely implicated in the case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence and real culprit managed to escape dumping the aforesaid liquor there seeing the police personnel. There is violation of Section 100 Cr.P.C. Petitioner Baleshwar Yadav was not apprehended on the spot. Petitioners Baleshwar Yadav and Sharwan Yadav have been languishing in custody since 15.05.2018 and 16.05.2018 respectively.

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 Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Deodha P.S. Case No. 46 of 2018, G.R. No. 650/2018.

(Prakash Chandra Jaiswal, J)

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