

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49916 of 2018

Arising Out of PS. Case No.-245 Year-2018 Thana- ROSERA District- Samastipur

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1. Ajay Kumar, S/o Fulena Singh,
 2. Prem Kumar S/o Gopal Singh, Both R/o Vill.- Meenapur, P.S.- Station- Naya Ganow, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Rosera P.S. Case no. 245 of 2018 registered under Sections 272, 273 of I.P.C. and Section 30(a) of Bihar Excise and Prohibition Act-2016.

78 lts. of foreign liquor is said to have been recovered from tempo and petitioner Ajay Kumar, who happens to be its driver while petitioner Prem Kumar sitting in the said tempo were apprehended.

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 have been falsely implicated in this case. Petitioner no. 1 Ajay Kumar happens to be driver of the tempo in question and petitioner no. 2 Prem Kumar its commuter and petitioner no. 2 was travelling in the aforesaid tempo by taking lift from its driver on the way and they had no knowledge of keeping of liquor in the tempo in cartoon by its another commuter, who managed to escape leaving the aforesaid liquor in the tempo seeing the police party. They have no criminal antecedent. They have been languishing in custody since 06.07.2018.

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-VI-cum-Special Judge, Excise, Samastipur in connection with Rosera P.S. Case no. 245 of 2018.

(Prakash Chandra Jaiswal, J)

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