

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2122 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- MALSALAMI District- Patna

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1. Rahul Kumar Rai @ Rahul Kumar and Ors Pradeep Rai Resident of Mirampur, P.S-Raghopur, Dist.-Vaishali.
 2. Dharmbir Kumar Bhuletan Rai Resident of Mirampur, P.S-Raghopur, Dist.-Vaishali.
 3. Arvind Kumar Shankar Rai Resident of Mirjapur, P.S-Raghopur, Dist.-Vaishali

... Petitioners

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Praveen Kumar, Adv.

For the Opposite Party : Mr. Aditya Narayan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 13.10.2018 in connection with Malsalami P.S. Case No. 353 of 2018 (Special Case No. 9709 of 2018) for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information, the petitioners riding on motorcycle were apprehended and from the trolley bag 468 liters of illicit foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and



are languishing in judicial custody since last three months. He, further, submits that there is violation of Section 100(4) of the Criminal Procedure Code in preparation of the seizure list as no separate seizure list has been prepared for individual accused persons and the witnesses do not belong to the same locality. He, further, submits that the charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Malsalami P.S. Case No. 353 of 2018 (Special Case No. 9709 of 2018) to the satisfaction of the learned Special Judge, Excise, Patna.

(Nilu Agrawal, J)

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