

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16424 of 2019

Arising Out of P.S. Case No.-5 Year-2019 Thana- FATEHPUR District- Kishanganj

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1. MITHUN KUMAR YADAV, (Male), aged about 29 years, Son of Maya Nand Yadav @ Gaya Nand Yadav, Resident of Village- Kankhudia, P.S.- Palasi, District- Araria.
 2. Vijay Kumar Manjhi (Male), aged about 32 years, Son of Jogendra Lal Manjhi @ Jogendra Prasad Harijan, Resident of Village- Chichora, P.S.- Bibiganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 25.01.2019 in connection with Fatehpur P.S.Case No.05 of 2019 for the offence alleged under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation upon the petitioners is that the SSB Officials near the Indo Nepal Border apprehended the petitioners with 43.200 litres of Nepali Saufi wine which was being carried in the motorcycle.

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



and have been falsely implicated in the aforesaid case. He submits that the seizure list has not been signed by the petitioners nor a copy has been made available to them although the petitioners were apprehended on the spot which falsifies the prosecution story. Petitioners undertake to cooperate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioners have no criminal antecedent as stated in para-3 of the present application, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Fatehpur P.S.Case No.05 of 2019 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Kishanganj.

(Nilu Agrawal, J)

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