

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79328 of 2018

Arising Out of PS. Case No.-398 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Niku Kumar and Ors Son of Vinay Paswan, Resident of Village - Nepa, P.S.- Tekari, District- Gaya.
 2. Anil Kumar Son of Umesh Thakur.
 3. Kunal Kumar Son of Manoj Thakur Both No. 2 and 3 are resident of village - Fatehpur, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena
For the Opposite Party/s : Mr.Sri Asharaf Ansari

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in connection with Excise Case No. 398 of 2018 registered under Sections 30(a) and 56(b) of the Bihar Prohibition of Excise Act, 2016.

200 litres of country made liquor and 18 litres of foreign liquor are said to have been recovered from Santro Car. Petitioners sitting in the said car were apprehended.

It is submitted by the learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. They are quite innocent and have been falsely implicated in this case.



They have no concern either with the seized liquor or with the car in question. Petitioners happen to be student and were travelling by the said car as commuters. The said liquor was recovered from dickey of the car. Driver of the car managed to escape after seeing the personnel of the Excise Department. There is violation of Section 100 Cr.P.C. Petitioners have no criminal antecedent and they are languishing in custody since 29.10.2018.

On the other hand learned APP opposed the bail prayer of the petitioners.

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/- each with two sureties of the like amount each to the satisfaction of the learned Special Court, Excise, Gaya in connection with Excise Case No. 398 of 2018.

(Prakash Chandra Jaiswal, J)

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