

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27679 of 2019

Arising Out of PS. Case No.-221 Year-2018 Thana- DURAULI District- Siwan

-
1. Chandrma Yadav Son of Durga Yadav Resident of Village- Krishna Pali Kishun Pali, P.S.- Darauli, District- Siwan
 2. Prabhat Singh Son of Munna Kumar Singh @ Munna Singh Resident of Village- Krishna Pali Kishun Pali, P.S.- Darauli, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Arvind Kr. Pandey (APP84)

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 30-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Darauli P.S. Case No. 221 of 2018 registered for the offence punishable under Section 30(a), 38(i) and 41 (i) of Bihar Prohibition & Excise Act-2016.

During the course of vehicle checking, the informant intercepted Hundai Car, but driver and owner of the said car managed to escape halting the same at a distance of 500



meters from him, and on search, the informant recovered 103 lts. foreign liquor from the said car. Petitioner no. 1 is said to be driver while petitioner no. 2 is owner of the said car.

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 either with the seized liquor or with the vehicle in question or with any trade of liquor. They neither happen to be owner nor driver of the aforesaid car. Neither informant nor other person has identified the petitioners in the course of escaping from the said car. The name of the petitioners are not reflected in the self statement of the informant, but in the formal FIR which has been prepared on the basis of said self statement, the name of the petitioners have been mentioned which creates serious doubt about the prosecution case and high handedness of the police and it candidly indicates that the petitioners have been falsely implicated in this case by the police due to ulterior motive, hence, no offence under Excise Act is made out against the petitioners. Petitioners have no criminal antecedent.

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

In the facts and circumstances of the case, let the



above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Excise, Siwan in connection with Darauli P.S. Case No. 221 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

