

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35170 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- DAGARUA District- Purnia

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1. ABU KALAM SHEKH @ ABUL KALAM @ ABUL KALAM SK Son of Md. Hasan Ali @ Hasan Ali @ Hasem Resident of Village and P.S.- Gosai Gaon, P.S.- Gosai Gaon, District- Kokdajhar (Assam).
 2. Deepak Baski @ Deepak Basky Son of Late Devan Baski Resident of Village- Padambil, P.S.- Gosai Gaon, District- Kokrajhar (Assam).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sharma

For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 05.03.2019 in a case registered for the offences punishable under Sections 420, 272, 273 of the I.P.C. and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise, Act, 2016, Sections 25(1-B)a, 26, 35 of the Arms Act.

It is alleged that on the basis of secret information, a truck was intercepted when on seeing the police, three persons, including the petitioners, tried to escape from the scene, but on



chase being made by the police, they were apprehended. During frisking, from the truck, 540 litres of Indian Made Foreign Liquor were recovered. It is further alleged that during frisking from the possession of co-accused, Aminul Islam, who is owner of the truck in question, one loaded country made pistol, one mobile phone and Rs.3100/- were recovered, whereas from the possession of the petitioner no. 1, Rs.1300/- cash, four knives and a mobile phone was recovered.

It is submitted by learned counsel for the petitioners that they were simply passengers in the truck in question and they were not aware about the liquor being transported. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners were apprehended from the truck from which the said recovery has been made.

Considering the thrust of accusation against co-accused Aminul Islam coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Special Judge,
Excise, Purnea in connection with Special Excise Case No.
204 of 2019, arising out of Dagarua P.S. Case No. 33 of 2019.

(Dinesh Kumar Singh, J)

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