

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39199 of 2019**

Arising Out of PS. Case No.-89 Year-2019 Thana- RAJNAGAR District- Madhubani

Ram Sevak Jha Son of Upendra Narayan Jha Resident of Village - Bagaul,
P.S.- Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46468 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- RAJNAGAR District- Madhubani

Pramod Kumar Choudhary Son of Kari Choudhary Resident of Village -
Barhara, P.S. - Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39199 of 2019)

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 46468 of 2019)

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-09-2019 As the aforesaid two criminal miscellaneous applications have cropped up from the same P.S. Case, hence, they are taken up together and are being disposed of by common order.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Rajnagar P.S. Case No. 89 of 2019 registered for the offence punishable under Sections 272, 273 of the Indian Penal



Code and Section 30(a) of Bihar Prohibition & Excise Act-2016.

During the course of vehicle checking, the informant seized a car. Driver of said car managed to escape while its occupant, namely, Rakesh Sahni was apprehended and from the said car 54 lts. of foreign liquor was recovered. The apprehended accused disclosed the name of the driver and four other persons involved in the business of trade. On the disclosure of apprehended accused, police seized several vehicles and recovered huge quantity of foreign liquor from the same. Petitioners happen to be owner of the two seized pick-up vans.

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 any trade of liquor. They have been falsely implicated in this case due to animosity. Apprehended accused has not named the petitioners as liquor trafficker. It is further submitted on behalf of the appellant Ram Sevak Jha that though he happens to be owner of the Mahindra Magic Pick-up van bearing registration no. BR32PA4059, but he has given the aforesaid vehicle to its driver for plying the same and he had no knowledge of transporting of liquor by his



vehicle by the said driver. It is further submitted on behalf of appellant Pramod Kumar Choudhary that he happens to be owner of Mahindra Pick-up Van bearing engine no. GAB1C-16988 and he has sold out the said vehicle to one Girdhari Yadav on 06.04.2018 i.e. preceding to the occurrence and after said transaction, he has no concern with the aforesaid vehicle, hence, no offence under Excise Act is made out against both 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 Addl. District & Sessions Judge-II-cum Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 89 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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