

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68527 of 2018

Arising Out of PS. Case No.-603 Year-2018 Thana- BARACHATTI District- Gaya

1. Bhola Kumar Son of Sanjay Thakur @ Sanjay Kumar Thakur Resident of Village-Dev Baraibigha,P.S. Dev, Distt.-Aurangabad
2. Md. Alam @ Guddu Son of Md. Islam Resident of Village-Dev Godampar,P.S. Dev, Distt.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 13-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Barachatti P.S. Case No. 603 of 2018 registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 38 and 47 of Bihar Prohibition and Excise Act-2016.

1400 lts. of spirit is said to have been recovered from the pick-up van and driver of the van, namely, Bhola Kumar and one another accused, namely, Md. Alam @ Guddu were apprehended from the said vehicle.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from



conscious physical possession of the petitioners. Petitioner no. 1 Bhola Kumar does not happen to be driver of the vehicle. As a matter of fact, both the petitioners were not apprehended from the vehicle rather from road while they were waiting for a Bus to proceed Dev merely on suspicion and real culprits managed to escape. Petitioners have no criminal antecedent which is also evident from the report submitted by SSP, Gaya. Petitioners have been languishing in custody since 13.09.2018.

On the other hand, learned APP for the State 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 bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya in connection with Barachatti P.S. Case No. 603 of 2018.

(Prakash Chandra Jaiswal, J)

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