

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43259 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- CHAUTHAM District- Khagaria

1. Amrit Kumar @ Amrit Ranjan Son of Rambaran Singh Resident of Village - Bharpura, P.S.- Chautham, Dist.- Khagaria.
2. Chandan Mandal Son of Balmiki Mandal Resident of Village - Jhiktiya, P.S.- Maheshkhunt, Dist.- Khagaria.
3. Shamsar Alam Son of Jalili Uddin Resident of Village - Jhiktiya, P.S.- Maheshkhunt, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 03-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Chautham P.S. Case No. 28 of 2019 registered for the offence punishable under Sections 273, 120(B)/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act-2016.

Huge quantity of foreign liquor is said to have been recovered from the orchard of Litchi unloaded by a truck and its driver and khalasi were apprehended while 4-5 other persons managed to escape taking benefit of murk.

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 place of recovery or with any trade of liquor. There is nothing on record indicating complicity of the petitioners in the occurrence barring confessional statements of co-accused, namely, Nitish Kumar and Rikki Kumar, which have no evidentiary value in the eye of law, 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 Additional Sessions Judge-II-cum-Special Judge (Excise), Khagaria in connection with Chautham P.S. Case No. 28 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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