

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72284 of 2019

Arising Out of PS. Case No.-330 Year-2019 Thana- SURSAND District- Sitamarhi

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1. Vikash Kumar S/o Sital Bhagat R/o village- Manikauli, P.S.- Singhwara, District- Darbhanga
 2. Kamesh Kumar S/o Valiram Bhagat R/o village- Manikauli (Agyashpur), P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in connection with Sursand P.S. Case No. 330 of 2019 registered for the offence punishable under Sections 30(a), 38, 41 of Bihar Prohibition & Excise Act-2016.

45 lts. of Nepali Saufi wine is said to have been recovered from a motorcycle and petitioners were apprehended in the course of escaping from the said motorcycle.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from conscious physical possession of the petitioners. Petitioners



have no concern either with the seized liquor or with the motorcycle in question or with any trade of liquor. They have been falsely implicated in this case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence and the motorcycle owner, namely, Virendra Bhagat, who happens to be main culprit managed to escape dumping the motorcycle and liquor there seeing the police party. Petitioners have no criminal antecedent and have been languishing in custody since 13.09.2019.

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, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sursand P.S. Case No. 330 of 2019.

(Prakash Chandra Jaiswal, J)

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