

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16103 of 2020

Arising Out of PS. Case No.-364 Year-2019 Thana- BAKHTIYARPUR District- Patna

1. Jitendra Kumar, son of Binod Rai
 2. Bajrangi Kumar. Son of Swarath Rai
- Both are resident of Village - Nayatola Raghapur, P.S.- Bakhtiyarpur,
District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Usha Kumari Singh, Advocate
For the Opposite Party : Mr. Mrityunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-05-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State via video
conferencing.

The petitioners have filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Bakhtiyarpur P.S. Case No.364 of 2019 arising out of Special Case No.10575 of 2019 registered under Sections 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

It is contended by the learned counsel for the petitioners that the petitioners were merely passengers of the car from which 30.800 liters of liquor was recovered. He further



contended that the alleged car was not a stolen property.

The contention is that merely because the driver could not produce the paper when the vehicle was intercepted, the police could not have presumed that the car was a stolen property.

Learned counsel for the State has opposed the prayer for grant of bail to the petitioners.

Considering the nature of allegation made in the FIR, as the petitioners have remained in custody for about six months and it has been stated in para 3 of the application that they have no criminal antecedent, they are directed to be released on bail on furnishing bail bond of Rs.5000/- (five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Act, Patna in connection with Special Case No.10575 of 2019 arising out of Bakhatiyarpur P.S. Case No.364 of 2019.

(Ashwani Kumar Singh, J.)

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