

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 3331 of 2020

Arising Out of PS. Case No.-359 Year-2019 Thana- MANJHI District- Saran

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1. Rajesh Prasad Son of Ram Jatan Prasad Resident of Village - Bhati, P.S.- Raghunathpur, Distt - Siwan.
 2. Bablu Kumar Chaudhary @ Bablu Kumar Choudhary @ Babloo Kumar Choudhary Son of Lalan Chaudhary Resident of Village - Kalopatti, P.S.- Mirganj, Distt - Gopalganj.

..... Petitioners

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Mr. Chandra Mohan Jha, Advocate

For the State : Ms. Pushpa Sinha, APP.

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

4 27.05.2020

Heard learned counsel for the petitioners and learned APP for the State, through video conferencing.

The petitioners who are in custody since 23.11.2019 have filed the instant application for grant of regular bail in connection with Manjhi P.S. Case no. 359 of 2019 registered under sections 30, 30(a) and 38(i) (ii) of the Bihar Prohibition and Excise Act, 2016.



As per allegation in the FIR, the police personnel discovered an abandoned truck parked on the side of the road. On search IMFL was found inside the truck. As the driver was not to be found, the police encircled the truck at some distance waiting for the accused persons to come and to get the truck. It is stated that after sometime a Bolero vehicle used to come, stop near the truck and then proceed in one direction. Thereafter it again returned and stopped near the truck. One person got down from the said Bolero vehicle and started to open the gate of the truck on which the police personnel reached there and caught hold of two accused persons who are the petitioners herein. They disclosed the name of the person who escaped as Subhash Yadav. A total of 8825 litres of IMFL was recovered from the truck.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and are in custody since 23.11.2019. They have been falsely implicated in this case. Nothing has been recovered from the Bolero vehicle and the police have cooked up the story to implicate them.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts as stated in the FIR together with the recovery of 8825 litres of IMFL, the Court is not inclined to enlarge the petitioners on bail and as such their prayer for bail is rejected.

(Partha Sarthy, J)

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