

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35676 of 2020

Arising Out of PS. Case No.-175 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. VIJAY Son of Jai Bhagwan Resident of Village - Bhiwani, P.S.- Bhiwani,
Dist.- Bhiwani, (Haryana)
 2. Kanhaiya Kumar Son of Bhola Mahto Resident of Village - Ramavihar, P.S.
- Anand Bihar, District - Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners have prayed for grant of regular bail in
connection with Dumariya Ghat P.S. Case No. 175 of 2020
registered under sections 272, 273 and 34 of the Indian Penal
Code and section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per allegation in the FIR, 147.36 litres of IMFL
was recovered from the vehicle of which the petitioner no. 1 is
stated to be the driver and petitioner no. 2 the occupant.

It is submitted by learned counsel for the petitioners
that no recovery as alleged has taken place from the possession



of the petitioners or from the vehicle in question. The petitioners have no criminal antecedent and are in custody since 8.9.2020. Charge-sheet has been submitted in the case.

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

By order dated 21.12.2020, antecedent report with respect to the petitioners was called for and the same has been received, as per which it is stated that the petitioners have no criminal antecedent besides the instant case.

Having heard learned counsel for the parties and in view of the petitioners not having any criminal antecedent and investigation in the case having concluded, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Dumariya Ghat P.S. Case No. 175 of 2020 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge Excise, Motihari, East Champaran.

(Partha Sarthy, J)

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