

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24570 of 2018**

Arising Out of PS.Case No. -32 Year- 2018 Thana -DAGARUA District- PURNIA

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1. Kishan Kumar S/o Atbari Singh @ Etwari Mandal,  
2. Nitesh Kumar S/o Yogendra Yadav, Both are R/o Vill.- Tulsipur, P.S.-  
Kharik Bazar, District- Bhagalpur.

.... .... Petitioners.

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Jha  
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL  
ORAL ORDER**

02 30-04-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in a case registered for the offence punishable under Section 272 & 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

62.5 liters of foreign liquor is said to have been recovered from the car and the petitioner no.1-Kishan Kumar, who happens to be driver of the car and petitioner no.2-Nitesh Kumar, who happens to be commuter of the car, were apprehended.

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



concern with the seized liquor. As a matter of fact, the aforesaid liquor was abandoned by some unknown miscreants at Barsauni Chowk and several people had congregated there seeing the abandoned article. In the mean time, the petitioners arrived there by their car and were apprehended by the police merely on suspicion. Petitioner no.1 has no criminal antecedent while against petitioner no.2 one case under the Excise Act has been lodged but he is on bail in the said case. They have been languishing in custody since 22.02.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge Excise Act, Purnea in connection with Special Excise Case No.171 of 2018, arising out of Dagarua P.S. Case No.32 of 2018.

**(Prakash Chandra Jaiswal, J.)**

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