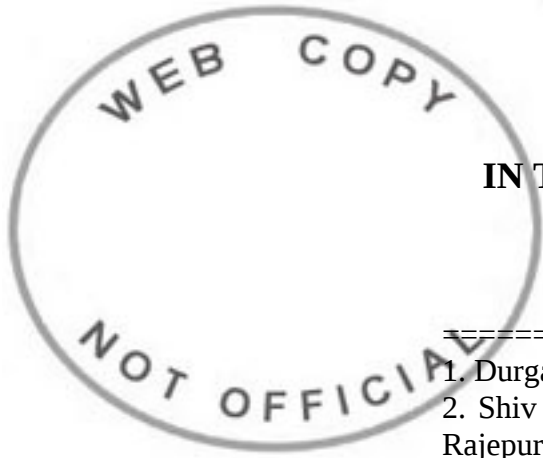




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29761 of 2014

Arising Out of PS.Case No. -85 Year- 2013 Thana -RAJEPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Durga Rai @ Durga Kumar Rai S/o Hari Nandan Rai
2. Shiv Kumar Rai S/o Hari Nandan Rai R/o Village-Kunwar Mal, P.S.-
Rajepur, District-East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta
For the Opposite Party/s : Mr. Md.Arif(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 15-01-2015 Heard the parties.

This is an application for anticipatory bail for the
offence punishable under sections 290, 272 and 273 of the I.P.C
and section 47 (A) of Excise Act.

On getting an information that petitioners were
indulged in preparation of illegal country made liquor and to sale
the same, a raid was conducted but all the accused persons
including the petitioners were managed to escape from the place
of occurrence and in presence of witnesses search was made



wherein one Maruti Van having its registration No. BR-1C-9149 was found in which one drum filled up by 220 litres spirit was kept. From the house one drum in which 100 litres spirit was kept, four gallons each containing 40 litres spirit, in total 160 litres, 260 pauches of illegal country made liquor, each containing 200 M.L. in total 52 litres, two kilograms plastic wrapper and equipment to prepare country made wine, gas cylinder etc. were recovered as per the seizure list.

Submission is that from conscious possession of the petitioners nothing has been recovered and the house belongs to the father of the petitioners in which the petitioners are mere family member and has no control over the same. The petitioners have got no concern with the affairs of their father and as such they deserve sympathetic consideration, to which the learned A.P.P. opposes

As recovered articles belongs to the father of the petitioners and on search articles have been recovered from the house and as such these petitioners being junior members in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M.

East Champaran, Motihari in Rajepur P.S. Case No. 85 of 2013,
subject to the conditions as laid down in section 438 (2) of the
Cr.P.c.

(Jitendra Mohan Sharma, J)

Abhay/-

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