

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38186 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -BUXAR District- BUXAR

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1. Prakash Turha S/o Tola Turha
2. Dharmendra Yadav @ Dharmendra Kumar Yadav S/o Nand Kishore
Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 19-10-2016

Heard.

A mini liquor factory is said to have been unearthed from house of petitioner No. 2 and the petitioner No. 1 was caught on the spot. This court taking note of the aforesaid fact earlier rejected the prayer for bail of the petitioners on 05-04-2016 in Cr. Misc. No. 14155 of 2016 but submission on behalf of petitioners is that the present occurrence is said to have taken place on 02-02-2016 i.e. prior to coming into force of new Excise Amended Act and prior to institution of the present case, the petitioner had not been made accused in excise case and, therefore, even if, the prosecution story assumed to be true, then also, petitioners appear to be first offender and they have sufficiently been punished by remaining in jail custody since 03-02-2016.

Considering the above-said facts and circumstances of

the case as well as submission of the parties, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Buxar Town P.S. Case No. 35 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Buxar.

(Hemant Kumar Srivastava, J)

A.K.V./-

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