

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54194 of 2016**

Arising Out of PS.Case No. -232 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Manoj Ram, Son of Bihari Ram,  
2. Raj Kumar Sah, Son of Gorakh Sah, Both residents of Village- Golaghat  
Dumri, Police Station- Yogapatti, District- West Champaran at Bettiah.

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      21-12-2016                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in connection with Kuchaikot  
P.S. Case No. 232 of 2016 instituted for the offences punishable  
under Sections 272, 273, 420 of the Indian Penal Code and under  
Section 30(a) Bihar Prohibition and Excise Act, 2016.

In substance, the allegation is that the informant, who  
happens to be S.I., Kuchaikot P.S. along with police party caught  
the Bolero-vehicle bearing Registration No. B.R.-06PA/1412. On  
search, 1530-bottles of country made liquor each having 200ml.  
quantity kept in 34 cartons were recovered from the said vehicle.  
The police arrested these petitioners who were driving the vehicle.

Learned counsel for the petitioners submits that they are



labour, working with mason. No recovery was made from conscious possession of the petitioners. They have been falsely implicated in the present case due to mistake of fact. The petitioners are in jail custody since 26.10.2016 having no criminal antecedent.

Learned APP, on the other hand, opposed the submissions that they were caught by police with country made liquor in question.

Considering the nature of allegations and the fact that the petitioners have no criminal antecedent and they have remained in custody for about two months, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikot P.S. Case No. 232 of 2016 subject to the condition that:

(i) The petitioners shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his/their bail bonds.

**(Sanjay Kumar, J)**

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