

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45901 of 2016

Arising Out of PS.Case No. -490 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Munna Mahton,
2. Sapan Mahto, Both are sons of Vijendra Mahton, Resident of Daundnagar, Ward No. 03, P.S.- Khagariya, District- Khagariya.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nilesh Kumar

For the Opposite Party : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-10-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek bail in a case instituted under Sections 270, 273 of the Indian Penal Code and Section 47, 54 and 57 of the Bihar Excise (Amendment) Act, 2016.

The allegation against the petitioners is that they used to sell liquor along with co-accused Ashok Mahto and on being searched the house of co-accused namely Ashok Mahto, 62 bottles of foreign wine is said to have been recovered from his house.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 21.08.2016. There is no allegation of tampering of witnesses alleged against the

petitioners. The alleged recovery has not been made from the possession of the petitioners. The same has been recovered from the possession of co-accused namely Ashok Mahto. There is no compliance of section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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 the learned Chief Judicial Magistrate, Khagariya in connection with Khagariya P.S. Case No. 490 of 2016.

(Sudhir Singh, J.)

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