

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36671 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -SAHPUR District- BHOJPUR

1. Jai Prakash Pandey,
2. Om Prakash Pandey Both S/o Manmohan Pandey resident of Village-
Sonki, P.O.- Suhiya, P.S.- Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42258 of 2016

Arising Out of PS.Case No. -110 Year- 2016 Thana -SAHPUR District- BHOJPUR

1. Devanand Kumar Jaiswal @ Devendra Kumar Jaiswal S/o late Arjun
Jaiswal Resident of Mohalla- Koeri Bandh, P.O. Jhariya, P.S. Jhariya,
District Dhanbad(Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

- (In Cr.Misc. No.36671 of 2016)
For the Petitioner/s : Mr. Amrendra Narayan Rai
For the Opposite Party/s : Smt. Asha Kumari
(In Cr.Misc. No.42258 of 2016)
For the Petitioner/s : Mr. Amrendra Narayan Rai
For the Opposite Party/s : Sri Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 16.11.2016 Both the above stated petitions arise out of Shahpur
P.S. case no. 110/2016 registered under section 171(B) of the
Indian Penal Code, section 47 of Bihar Excise (Amendment)
Act and accordingly, both the above stated petitions are being
disposed of by this common order in which petitioners

apprehend their arrest.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

One Scorpio was intercepted by the villagers and in the said scorpio bottles of Indian made foreign liquor as well as some clothes were recovered which had to be distributed among the voters of particular panchayat.

Submission on behalf of the petitioners is that neither petitioners was caught on the spot nor anything was recovered from their possession and, as a matter of fact, petitioners in Cr. Misc. no. 36671/2016 have been implicated in this case by their political enemy and, as a matter of fact, not a single witness claimed to have seen the aforesaid petitioners fleeing from the place of occurrence rather almost all witnesses stated that villagers disclosed the name of the aforesaid petitioners. It is further stated that so far as the petitioner in Cr. Misc. no. 42258/2016 is concerned, he appears to be owner of the seized vehicle and, as a matter of fact, his vehicle was hired for election purpose and therefore, he can not be fastened with liability of the aforesaid bottles of Indian made foreign liquor.

Taking into account the aforesaid submissions as well as facts and circumstances of the case, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioners 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 the Chief



Judicial Magistrate, Bhojpur at Ara in Shahpur P.S. case no.
110/2016 subject to condition as laid down under section
438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)

