

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51167 of 2016

Arising Out of PS.Case No. -205 Year- 2016 Thana -MOTIPUR District- MUZAFFARPUR

1. Sublal Rai, son of Shiv Rai,
2. Ramagya Rai, son of Late Bhuneshwar Rai,
Both Resident of Village- Adalpur, Police Station- Motipur, District-
Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Pancham Lal Jaiswal, Advocate
Mr. Pradhan Murli Manohar Pd., Advocate
Mr. Raju Kumar, Advocate
For the Opposite Party : Mr. Akhileshwar Dayal(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-11-2016

Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners are languishing in judicial custody
since 16.09.2016 in connection with Motipur P.S. Case No. 205 of
2016 for offences punishable under Sections 47/49 of the Bihar
Excise Amendment Act, 2016.

The prosecution case as lodged by the police officials
is that on a secret information that petitioners are engaged in
manufacturing of liquor out of spirit, the house of petitioner no.1
was raided and 140 liters of spirit was found in plastic jars.

It has been submitted by the learned counsel for the petitioners that they are innocent, having no criminal antecedent and nothing has been recovered from their conscious possession. It has further been submitted that they have been falsely implicated due to grudge and personal enmity, as they are not concerned with the alleged business of preparing liquor out of spirit.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since nothing has been recovered from the conscious possession of the petitioners, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, (West) Muzaffarpur, in connection with Motipur P.S. Case No. 205 of 2016.

(Nilu Agrawal, J.)

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