

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33174 of 2016

Arising Out of PS.Case No. -48 Year- 2013 Thana -GAYA MUFFSIL District- GAYA

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1. Mantu Yadav
2. Pintu Yadav
Both 1 & 2 sons of Late Ramdeo Yadav
3. Ashok Yadav Son of Lakhan Yadav
All residents of Village- Maniara, P.S. Mufassil (Gaya), District- Gaya.
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance:
For the Petitioner/s : Mr. Sourendra Pandey, Advocate.
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-10-2016 Heard both sides.

The petitioners, namely, Mantu Yadav, Pintu Yadav and Ashok Yadav, apprehend their arrest in Mofassil P.S. Case No. 48/13 under Sections 272, 273 of the Indian Penal Code and Section 47(A) of the Excise Act.

The informant, an A.S.I. of Police, alleged that the police team on secret information raided a place situated North to Village Maniyari and from the cabin of the petitioners, 200 litres of country made liquor made of Mahua were recovered. Learned counsel for the petitioners submits that the cabin was kept North to Village Maniyari and there is nothing on the record to show that the petitioners are the owners of that cabin. The land on which the cabin was kept does not belong to the petitioners. The petitioners

have been falsely implicated in the case. Even the seizure list witnesses are not the residents of the village.

Considering the facts that no document is attached with the FIR that the cabin, which was found in a lonely place, belongs to the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to 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 the learned Chief Judicial Magistrate, Gaya in Mofassil P.S. Case No. 48/13, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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