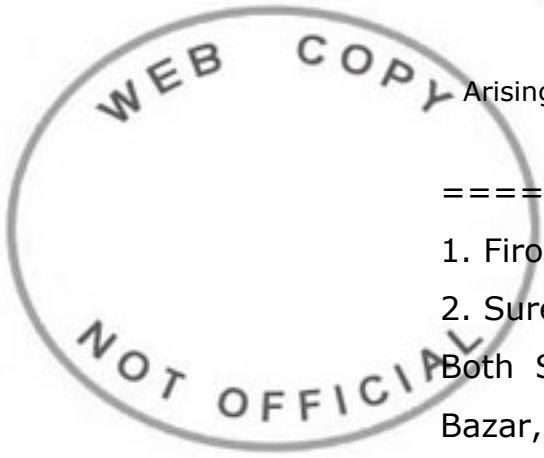




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42037 of 2016

Arising Out of PS.Case No. -218 Year- 2016 Thana -MOTIPUR District-
MUZAFFARPUR

=====

- 1. Firoz @ Vikash Rai
 - 2. Surendra @ Sabindra @ Sabindra Rai
- Both Sons of Shiv Kumar Rai, Resident of Village-Purani Bazar, Police Station-Motipur, District-Muzaffarpur.

.... Petitioner/s

Versus

- 1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal
For the Opposite Party/s : Mr. Rajeev Nayan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 30-09-2016 Heard the parties.

 This application, for grant of anticipatory bail, arises out of Motipur P.S. Case No. 218 of 2016, disclosing offences under Sections 47 and 49 of the Bihar Excise Act.

 It is alleged that 17 bottles, each containing 750 ml. of Royal Stag whisky, were recovered from a room of an old house. This was done in course of a raid being

conducted by the police in a kiosk (Ghumti), which was allegedly being operated by the petitioners.

Learned counsel for the petitioners has submitted that the petitioners have no concern either with the said Ghumti or with the house from where the recovery has been made in any manner whatsoever. It has further been submitted that neither they are the owners of the house nor they have any right, title or interest over the said house.

Considering the stand taken on behalf of the petitioners, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate, Muzaffarpur**, in connection with **Motipur P.S. Case No. 218 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required

and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-c

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