

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37527 of 2016

Arising Out of PS.Case No. -127 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Vinod Chaudhary Son of Sisakar Chaudhary
2. Umesh Chaudhary Son of Shri Chaudhary
Both are Residents of Shanti Nagar, Police Station- Chakiya, District East
Champaran (Motihari)

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Smt Pushpa Sinha

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Chakiya P. S. Case No. 127 of 2016 for offences alleged
under Sections 272, 273, 290 of the Indian Penal Code and
Section 47(a) of the Excise Act.

The prosecution case is that the police on raid found
70 litres of toddy in the shop of petitioner no. 1 and 50 litres of
toddy in the shop of petitioner no. 2 for which a seizure list was

prepared in presence of two independent witnesses.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. It has further been submitted that nothing incriminating has been found from the possession of the petitioners and Section 47(a) of the Excise Act is not applicable. It has further been submitted that petitioner no. 1 is a P.D.S. Shopkeeper and petitioner no. 2 is an old person and that both the petitioners have no criminal history as is evident from paragraph-3 of this application.

However, the learned APP for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer of bail.

Be that as it may, since the petitioners do not have any criminal history and nothing incriminating has been recovered from the conscious possession of the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII, Motihari, District-East Champaran in

connection with Chakiya P. S. Case No. 127 of 2016, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

ajaypd./-

U		T	
---	--	---	--