

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29098 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -BAHERI District- DARBHANGA

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1. Basant Chaudhary @ Basant Kumar S/o Chandra Bhushan Chaudhary
 2. Ghanshyam Chaudhary S/o Ram Narayan Chaudhary Both are resident of village - Dhanauli, P.S. Baheri, District - Darbhanga

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate

For the Opposite Party : Mr. Sri Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-09-2016 Heard both sides.

The petitioners apprehend his arrest in Baheri P.S.Case No.75 of 2016 under Sections 188 and 120(B)/34 of the Indian Penal Code and Section 47(G) of the Excise Act.

The informant alleged that he got information on his telephone from Chandrajeet Singh that in the brick-kiln of Rana Subhankar Prasad Singh and Ramashanker Jha some persons had stored liquor. On such raid was conducted and 217 cartoons of liquors were recovered. It is alleged that Ashutosh Kumar Jha is a licensee who along with petitioners might have kept the liquors after coming into force of new Excise Act. It is submitted that the petitioners are neither a licensee nor concerned with any business

of any liquor. Nobody has seen the petitioners keeping liquor in the abandoned house of brick-kiln and save and except suspicion there is no other material to show the complicity of the petitioner.

The learned APP however stated that Tripurari Chaudhary in his statement in para 80 of the case diary stated that the petitioners had come for taking a room on rent for running a government liquor shop and Tripurari Chaudhary came to know that the petitioners had stored the liquor in brick-kiln but he is not an eye witness to the occurrence and nobody has seen the petitioners keeping liquor in brick kiln.

Considering the aforesaid facts, 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 is 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 learned ACJM-V, Darbhanga, in Baheri P.S.Case No.75 of 2016, 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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