

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36365 of 2017

Arising Out of PS.Case No. -123 Year- 2017 Thana -ANDER District- SIWAN

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1. Sadhu Sah, son of Lal Babu Sah,
2. Prem Kumar Das @ Munna Pandit, son of Late Rajbanshi Das,
3. Naga Mahto, son of Late Ramdeo Mahato, All are residents of
Village- Usari Bujurg, Police Station- MH Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 09-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody in connection with Ander (M.H. Nagar) P.S. Case No. 123 of 2017 for offences punishable under Sections 272, 273 of the Indian Penal Code and Section 41(i) of the Bihar Prohibition Excise Act.

The prosecution case, as lodged by the police personnel is that on a secret tip of that the petitioners are bringing huge quantity of illicit liquor in the market, the petitioners were apprehended and from the possession of petitioner no. 2, 17.28 litres and from possession of petitioner no. 3 about 19 litres of



country made foreign liquor was recovered and accordingly, the seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case due to dirty politics and on the instigation of the enemies. They are not involved in the business of selling liquor and nothing has been recovered from possession of petitioner no. 1 who is a handicapped person. They are languishing in judicial custody since 21.06.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners have a criminal antecedent and have committed similar offence in the past.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd-cum-Special Judge, Siwan, in connection with Ander (M.H. Nagar) P.S. Case No. 123 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioners and if the petitioners indulge in an offence of similar nature in future, the prosecution



will be at liberty to move the court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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