

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37608 of 2017

Arising Out of PS. Case No.-139 Year-2017 Thana- DIGHA District- Patna

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1. Arun Kumar,
2. Alakh Rai,
Both are Sons of Gurucharan Rai, resident of Ramjee Chak,
Police Station - Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Sri Sri Madan Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

- 3 22-11-2017 Heard Sri Akhauri Kamal Kishore Sahay, learned counsel
for the petitioners and Sri Madan Kumar, learned Additional
Public Prosecutor.

Two petitioners, apprehending their arrest in Digha P.S.
Case No. 139 of 2017 registered for the offence under Section
35(a) of the Bihar Prohibition and Excise Act, 2016, has
prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that
it is out and out malicious action of the Police that in a case in
which one small bottle of 375 ML of Indian make foreign
liquor was found on the roof of an apartment, however number
of persons were made F.I.R. named accused including
petitioners. Learned counsel for the petitioners has also drawn



my attention to the statement made in paragraph no. 3 of the petition to show that petitioners are having clean antecedent.

Considering the nature of accusation and clean antecedent of the petitioners, in the event of their arrest or surrender within a period of six weeks from today, let both the petitioners Arun Kumar and Alakh Rai be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -VIII – cum – Special Judge Excise, Patna / concerned court in connection with Digha P.S. Case No. 139 of 2017 subject to the conditions as contemplated under section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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