

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30814 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -KODHA District- KATIHAR

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1. Pawan Kumar, Son of Late Ram Naresh Chaudhary, Resident of Village-Purvi Malahi, P.S.-Barh, Distt. Patna.
 2. Shyam Kishor Chaudhary, Son of Late Krit Narayan Chaudhary, Resident of Village-Manopur, P.S. Bhagwanpur, District-Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Deepak Kumar, Advocate.

For the Opposite Party : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody since 05.04.2017 in connection with Korha P.S. Case No. 104 of 2017 for the offences instituted under Sections 272, 273 of the IPC and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution story, in brief, is that on 04.04.2017 on the basis of information, the informant and other police persons recovered 110 liters of foreign liquor from the bags which were found near a bus. The petitioners were the driver and Khalasi of the said bus.

It has been submitted on behalf of the petitioners that the



petitioners are in custody since 05.04.2017 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. They have falsely been implicated in the present case. 110 liters of foreign liquor is said to have been recovered from the bags which were found near a bus. No incriminating article has been recovered from conscious possession of the petitioners. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Katihar, in connection with Korha P.S. Case No. 104 of 2017.

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(Sudhir Singh, J)