

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42074 of 2017

Arising Out of PS. Case No.-48 Year-2017 Thana- NATWAR District- Rohtas

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1. Munna Sah,
 2. Chitranjan Sah both sons of Bhagawan Sah, Resident of Village- Maharaja Gola , P.S.- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Sri Ashok Kumar Pandey , learned counsel for the petitioners and learned Additional Public Prosecutor.

Two petitioners apprehending their arrest in Natwar P.S. Case No. 48 of 2017 registered for the offence under section 272 , 273 of the Indian Penal Code , 1860 and Section 30 (a), 30, 35 , 38 of the Bihar Prohibition and Excise Act , 2016 have 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 a peculiar case in which though about 26 liters of Indian make foreign liquor was recovered from the field of one Kirpa Mahto, the said Kirpa Mahto was cited as a seizure list witness and petitioners and others have been named as



accused. He submits that nothing was recovered either from conscious possession of the petitioners or from the house / field of the petitioners and petitioners have falsely been made accused in the present case whereas, petitioners are having clean antecedent and this fact has been stated in paragraph no. 3 of the petition.

Considering the nature of accusation and clean antecedent of petitioners, in the event of their arrest or surrender within a period of six weeks from today, let both the petitioners Munna Sah and Chitranjan Sah 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 Sessions Judge II – cum – Special Judge, Excise, Rohtas at Sasaram/ concerned court in connection with Natwar P.S. Case No. 48 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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