

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54249 of 2017

Arising Out of PS.Case No. -242 Year- 2017 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Ganesh Sah
2. Basudeo Sah Both are sons of Ram Darshan Sah resident of Village
Siswa Patna, P.S. Keshariya, District - East Champaran at Motihari.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-12-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 272, 273, 290 of the Indian Penal Code
and 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 16.8 litres
of liquor is said to have been recovered.

It has been submitted on behalf of the petitioners that
there is no allegation of tampering of witnesses alleged against
the petitioners. The name of the petitioners has come on the basis
of confession of co-accused made before police as per F.I.R.
Except for this, there is no other substantive evidence to suggest
the implication of the petitioners in this case. It is alleged that



total 16.8 litres of liquor is recovered. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of section 100 of the Cr.P.C.

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 anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Kessariya P.S. Case No.242/2017 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Motihari-cum-7th Additional Sessions Judge, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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