

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18056 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -MASRAKH District- SARAN

- =====
1. Nanhak Singh @ Nanhak Mahto, son of Chhatu Mahto, resident of Village- Doela Police Station Isuyapur, District- Saran.
 2. Anil Singh, Son of Late Raghaw Singh, resident of Village- Gangauli, Police Station- Mashrak, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-04-2017 The petitioners are in custody since 02.03.2017 in connection with Mashrak P.S. Case No. 52 of 2017, registered for offences punishable under Sections 272, 273, 290 Indian Penal Code and Section 30(a), 38 and 41 of Indian Penal Code.

Allegation against the petitioners is of recovery of 35 litres of country made spirit and other articles for preparing wine.

It has been submitted on behalf of the petitioners that petitioners have nothing to do with the alleged recovery. From perusal of the seizure list itself, it appears that nothing has been recovered from the conscious possession of the petitoenrs, rather the recovery has been made from an abandoned house, which does not belong to the petitioners. Further petitioner no. 1 is the labour



of petitioner no. 2. Petitioners have no criminal antecedents and have been in judicial custody since 02.03.2017.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also petitioners have no criminal antecedents and have remained in custody for about one and half months, as such, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-VIII, Saran, in connection with Mashrak P.S. Case No. 52 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any



genuine reasons, the prosecution is free to
move for cancellation of their bail bonds.

It is also made clear if the petitioners again found
involved in any of such offences, prosecution will be free to move
for cancellation of their bail bond.

(Vinod Kumar Sinha, J)

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