

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25395 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Shivam Kumar Mehta, Son of Mahendra Prasad Mehta,
2. Chhotu Kumar Mehta, Son of Kameshwar Prasad Mehta, Both Resident
of Village- Duraw, P.S.- Echak, District- Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 07-06-2017

Heard Shri Arvind Kumar Singh, the learned

advocate for the petitioners and learned APP for the State.

The petitioners are seeking regular bail in connection with Barachatti P.S. Case No. 97 of 2017 for the offences alleged under Section 272 and 273 IPC read with sections 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The First Information Report would disclose that the petitioners were apprehended with the vehicle in question carrying tomato and in the garb of the same, 1800 litres country made wine in 160 plastic bags were being transported.

The learned counsel for the petitioners would submit that the petitioners are driver and khalasi of the truck and are



languishing in jail since 19.2.2017. He would further submit that the investigation in the present case is over and there is no need of further detention of the petitioners by way of punishment as they are ready to cooperate in trial.

The learned APP opposed the prayer for bail.

Considering the nature of allegations and the fact that the petitioners have no criminal history as stated in paragraph-3 as also they are in custody since 19.2.2017, let the petitioners, namely, (1) Shivam Kumar Mehta; and (2) Chhotu Kumar Mehta be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Barachatti P.S. Case No. 97 of 2017 subject to the condition that one of the bailors of the petitioners must be a local person having sufficient immovable property.

(Rajeev Ranjan Prasad, J)

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