

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27525 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -NABINAGAR District- AURANGABAD

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1. Amar Chouhan Son of Late Gopal Chouhan
2. Pintu Chouhan Son of Amar Chouhan Both are Residents of
Village- Mahuari, P.S. Navinagar, District Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-07-2017

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

Petitioners, in the present case, are seeking regular bail in connection with Navinagar P.S. Case No. 41 of 2017, registered for the offence punishable under Sections 30(a), 37(b), 37(c) and 38 of the Excise Act, 2016.

Learned counsel for the petitioners submits that although in the First Information Report there is an allegation that 44 litres of Jharkhand made liquor has been recovered from the house of the petitioner, however the allegations are false, search and seizure has been made in violation of the provisions of the Code of Criminal Procedure particularly under Section 100 guidelines even are



not valid. The petitioners have no criminal antecedent and they are in jail since 15.03.2017.

Learned counsel for the petitioner submits that in the present case the period for completion of inquiry as contained in Section 91(2) of the Bihar Excise and Prohibition Act, 2016, is over and no purpose would be served by keeping them in custody.

Considering the facts and circumstances particularly that the petitioners have no criminal antecedent and they are in jail for a period of over three months, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Aurangabad, in connection with Navinagar P.S. Case No. 41/2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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