

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28782 of 2017

Arising Out of PS.Case No. -88 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Surendra Sah Son of Motilal Sah Resident of Village - Said Nagar, P.S. - Motihari Muffasil, District - East Champaran.
 2. Sachin Sah Son of Motilal Sah Resident of Village - Said Nagar, P.S. - Motihari Muffasil, District - East Champaran.
 3. Motilal Sah Son of Dhanraj Sah Resident of Village - Said Nagar, P.S. - Motihari Muffasil, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-07-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

According to the F.I.R. and the seizure list, from a house under construction behind the back of the house of the petitioners liquor was allegedly recovered.

Submission of the learned counsel for the petitioners is that the place of recovery is open place accessible by anyone



and there is no specific material that the same was placed by the petitioner thereat. Hence, specific accusation against the petitioners is not there and the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, is not applicable.

Considering the aforesaid material, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/Successor Court in connection with G.R. Case No.1073 of 2017, arising out of Muffasil Police Station Case No. 88 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioners shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioners in this case.

(Birendra Kumar, J)

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