

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37644 of 2017

Arising Out of PS. Case No.-205 Year-2017 Thana- Motihari Muffasil District- East
Champaran

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1. Niraj Patel, Son of Raja Patel,
 2. Tuntun Rai Son of Pahlad Rai, Both are R/o Village- Hariyan Chapra, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 22-11-2017 Heard Sri Vijay Shankar Srivastava, learned counsel for the petitioners and Sri Rajendra Prasad Nat, learned Addl. Public Prosecutor.

Two petitioners, who are having clean antecedent, which fact has been stated in paragraph – 3 of the petition apprehending their arrest in Motihari Muffasil P.S. Case No. 205 of 2017 registered for offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that nothing was recovered either from conscious possession of these petitioners or from their house/land, but in the present case, recovery of about 12 liter Nepali country-made liquor was



shown from a field of another person and petitioners, only on secret information as well as information given by local choukidar, have been made accused. It has been argued that save and except secret information or suspicion, there is no other material to connect both the petitioners in the present case.

Considering the nature of accusation, fact that nothing was recovered from their house or field as well as clean antecedent, in the event of arrest or surrender within a period of six weeks from today, let both petitioners namely Niraj Patel and Tuntun Rai be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 205 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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