

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12894 of 2018

Arising Out of PS.Case No. -261 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Anil Rai @ Baudha, son of Late Khudi Rai @ Fudi Rai, resident of Mohalla- Pathar Ghat, Police Station Malsalami, District Patna.
 2. Ashok Yadav @ Ashok Rai, son of Late Khudhi Rai @ Budhi Rai, resident of Mohalla Pathar Ghat, Police Station, Malsalami, District Patna.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 06-03-2018

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Malsalami P.S. Case No. 261 of 2017 registered under Section 272, 273/34 of the Indian Penal Code read with Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

386 liters of country made liquor is said to have been recovered from a bush standing on the bank of river Ganga and petitioners were apprehended.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no



concern with the seized liquor or the place of occurrence. They have been falsely implicated in this case at the instance of their enemies. Though one case under Excise Act has been lodged against the petitioner no.1 and two cases against the petitioner no.2 but they are on bail in the aforesaid cases. The seizure list does not bear the signatures of the petitioners. Petitioner no.1 has been languishing in custody since 20.10.2017 and petitioner no.2 since 24.11.2017.

In the facts and circumstances of the case, the above named petitioners are directed to 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 the learned Special Judge Excise, Patna in connection with Special Case No.6692 of 2017, arising out of Malsalami P.S. Case No.261 of 2017.

(Prakash Chandra Jaiswal, J)

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