

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42846 of 2018

- =====
1. Mithun Poddar, Son of Subhash Poddar, resident of Village- Laxmipur, Ward No. 13, Police Station- Parbatta, District- Khagaria.
 2. Amit Poddar, Son of Late Satyanarayan Poddar, resident of Village- Orlaha, Ward No.-2, Police Station- Barhara Kothi, District- Purnea.
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 420 and 419/34 of the Indian Penal Code and Section 37 (b)(c) of the Bihar Prohibition and Excise Act, 2016.

Petitioners are said to have conned the informant and relieved her of her ear ring on the way to her house by dropping a piece of brass on the way and the petitioners were found in inebriated condition.

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



occurrence as alleged ever took place. They have been falsely implicated in the case due to dirty village politics. Though a piece of brass was seized from the possession of petitioner no.2 Amit Poddar, but the ear ring of the informant allegedly stolen by the petitioners was not seized from their possession by the police during the course of search which goes to rule out the prosecution case. Petitioners have no criminal antecedent. They have been languishing in custody since 10.05.2018.

Considering the facts aforesaid, 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 Additional District and Sessions Judge-II, Special Judge, Excise Act, Madhepura in connection with Excise Case No. 57 of 2018 arising out of Udakishunganj P.S. Case No. 116 of 2018.

(Prakash Chandra Jaiswal, J)

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