

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45457 of 2018

Arising Out of PS.Case No. -114 Year- 2018 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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1. Hoshiyar Rai, Son of Late Harinarayan Rai, Resident of Village-Baligaon, P.S.- Parsa, District- Saran.
2. Mahendra Sahani, Son of Late Ramishwar Sahani, Resident of Village-Baligaon, P.S.- Parsa, District- Saran. at present Village- Morhiya, P.S.- Maker, District- Saran. Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioners : Mr. Vipin Kumar, Adv.

For the Opposite Party : Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 26-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 30 (A), 32(2) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

70 liters of country made liquor is said to have been recovered from the motorcycle of the petitioners 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. They have been falsely implicated in this case merely on suspicion while they were passing through the place of



occurrence at the time of occurrence and the real culprit managed to escape. Petitioner no.1 has no criminal antecedent while one more case under the Excise Act has been lodged against the petitioner no.2 but he is on bail in the said case. They have been languishing in custody since 17.05.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II-cum-Special Judge, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 114 of 2018.

(Prakash Chandra Jaiswal, J)

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