

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46610 of 2018

Arising Out of PS.Case No. -93 Year- 2018 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN (MOTIHARI)

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1. Chandan Sahani, Son of Jitu Sahani, Resident of Village- Majuraha, P.S.-
Raghunathpur (Turkauliya), District- East Champaran.

2. Ratan Sahani, Son of Ramashish Sahani, Resident of Village- Piprakothi
Majhariya, P.S.- Piprakothi, District- East Champaran.

.... Petitioners.

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate

For the Opposite Partys : Mr. Humayou Ahmad Khan, A.P.P.-155

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 01-08-2018 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 272, 273 and 414/34 of the Indian Penal
Code and Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

157.500 liters of Nepali liquor is said to have been
recovered from the box made under the seat of the tempo and
petitioners sitting the said tempo 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 either



with the seized liquor or the tempo in question. They happen to be simple commuters and were travelling by the said tempo without any knowledge of keeping the liquor in the box made under the seat of the tempo while the driver of the tempo managed to escape leaving the liquor laden tempo there. They have no criminal antecedent and have been languishing in custody since 24.06.2018.

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, East Champaran, Motihari in connection with Kundwachainpur P.S. Case No. 93 of 2018.

(Prakash Chandra Jaiswal, J)

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