

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3619 of 2018

Arising Out of PS.Case No. -330 Year- 2017 Thana -RAJAULI District- NAWADA

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1. Rajesh Choudhary Son of late Moti Choudhary
2. Arvind Choudhary Son of Dilo Choudhary Both Resident of Village-Dih
Rajauli, P.S. Rajauli, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-02-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Rajauli P.S.Caase No.330 of 2017 , registered for offences punishable under Section 30 of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioners is about recovery of 18 and 15 ltrs. of liquor from the house of petitioner nos. 1 and 2 respectively.

Submission of the learned counsel for the petitioners is that the house is in abandon condition and nobody is living in the house as well as they have been falsely implicated in this case and they have no criminal antecedent. Further submission is that there is no compliance of Section 100 Cr.P.C. in this case.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of Oder, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Nawada in connection with Rajauli P.S.Case No.330 of 2017 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bond.

(Vinod Kumar Sinha, J)

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