

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14568 of 2018

Arising Out of PS.Case No. -123 Year- 2017 Thana -KANHAULI District- SITAMARHI

- =====
1. Arun Kumar, S/o Fekan Sah.
 2. Dharmvir Paswan, S/o Binod Paswan, resident of Village- Kanhauli,
P.S.- Kanhauli, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
06.11.2017 in connection with Kanhauli P.S. Case No. 123 of
2017 for offences punishable under Sections 272, 273 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that some persons are
carrying illicit liquor, they reached the place and found two persons
coming with bags on their heads. On seeing the police, the two
persons fled away. However, local Chaukidar named the petitioners



carrying those bags. On search 78 liters of Nepali Saufi wine was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated. He submits that nothing has been recovered from their conscious possession and it is only on the basis of hearsay, they have been made accused. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Kanhauli P.S. Case No. 123 of 2017.

(Nilu Agrawal, J)

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