

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34972 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- PIPRAKOTHI District- East Champaran

1. Ram Naresh Sahani
 2. Mukesh Sahani
- Both sons of Naga Sahani, Residents of Village- Bairiya, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Abhishek Kumar, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 03-07-2018 Heard Sri Abhishek Kumar, learned counsel for the

petitioners and Smt. Pushpa Sinha, learned Additional Public

Prosecutor.

Two petitioners, apprehending their arrest in
connection with Piprakothi P.S. Case No. 18 of 2018 ,
registered for the offence under Section 272, 273 , 414, 34 of the
Indian Penal Code, 1860 and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016, have prayed for grant of bail
in the event of their arrest or surrender.

By way of referring to the statement made in
paragraph no. 3 of the petition learned counsel for the
petitioners submits that both petitioners are having clean
antecedent. It has further been argued that save and except



confessional statement of co -accused , there is no other material to connect the petitioners in the present case. He submits that some of the accused persons with one Pick- Up Van and one motorcycle were apprehended. From the Pick- Up Van huge quantity i.e. 425 liter of sprit was recovered and petitioners were arrayed as if they were the owner of the sprit, otherwise, petitioners are not having any connection either with the seized Pick -Up Van or motorcycle and to this effect specific statement has been made in paragraph no. 10 of the petition.

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail on the plea that the accused persons who were arrested have disclosed the names as if petitioners are the persons who are dealing in the trade of liquor.

Be that as it may, considering the fact that both petitioners are having clean antecedent as well as the fact that save and except confessional statement of co- accused there is no other material against the petitioners, in the event of their arrest or surrender within a period of six weeks from today, let both petitioners: (1) Ram Naresh Sahani , and (2) Mukesh Sahani be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the



like amount each to the satisfaction of learned Special Judge,
Excise, Motihari , East Champaran / concerned court in
connection with Piprakothi P.S. Case No. 18 of 2018 subject to
the conditions as contemplated under Section 438 (2) of the
Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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