

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50457 of 2018

Arising Out of PS.Case No. -83 Year- 2018 Thana -BELA District- SITAMARHI

- =====
1. Md. Mumtaz @ Md. Momtaz, Son of Md. Badrul Hasan.
 2. Mustaque Ahamad, Son of Md. Phool Hasan
- Both residents of village – Awapur, P.S. – Pupri, District – Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 16-08-2018 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 and 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

30 litres of Nepali saufi wine is said to have been
recovered from the joint possession of the petitioners and one
other accused namely Md. Taha.

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 the case at the instance of their enemies by planting aforesaid recovery from their possession. They have no criminal antecedent. They have been languishing in custody since 03.06.2018. Similarly situated co-accused, namely, Md. Taha has been enlarged on bail by this court vide order dated 12.07.2018 passed in Cr. Misc. No. 41919 of 2018.

Considering the facts aforesaid, 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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi in connection with Bela P.S. Case No. 83 of 2018.

(Prakash Chandra Jaiswal, J)

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