

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.69795 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- DEODHA District- Madhubani

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1. Budhan Saday @ Chuppa S/o Ramtul Saday
 2. Umesh Saday S/o Managar Saday Both Resident of Village-Inarwa (Kachahari Tol), P.S. Deodha, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Smt Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 06-12-2018 Heard the parties.

Petitioners seek bail in Deodha P.S.Case No.104 of 2018 registered under Sections 272, 273 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

Allegation is that on secret information that Nepali wine was being gathered in the way of Rajauli village for loading on the vehicles as soon as the informant reached the place of occurrence, three persons including the petitioners started fleeing but on chase they were apprehended and 243 litres Nepali wine were recovered.

It has been submitted on behalf of the petitioners that the petitioners have been falsely implicated in this case as the



said wine has not been recovered from the conscious possession of the petitioners rather from the field of one Surendra Singh. The petitioners are in custody since 08.09.2018 having no criminal antecedent.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of 2nd Additional District and Sessions Judge-cum-Special Judge Excise Act, Madhubani, in Deodha P.S. Case No.104/18 subject to the conditions that (I) Bailors must be of local having sufficient immovable properties within the jurisdiction of the court concerned (ii) petitioner/s shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his/their bail bond shall be cancelled by the court below and (iii) if the petitioner/s tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner/s and (iv) if the petitioners are found involved in similar nature of offence, after their release on bail the trial court shall take steps to cancel



their bail bonds.

(S. Kumar, J)

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