

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 75796 of 2018

Arising Out of PS. Case No.-1214 Year-2018 Thana- BIHTA District- Patna

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1. Sipahi Yadav, Son of Late Ramgoad Yadav, R/o Amhara, Taregna Tola, P.S.- Bihta, District- Patna.
 2. Mathura Manjhi, Son of Late Baleshwar Manjhi, R/o Amhara, Musahari, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Sri Ajay Kumar-I

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered under Sections 30 (a) of Bihar Madhya Nishedh and Excise Act, 2016.

It is submitted by the petitioners' counsel that having no criminal antecedent, petitioners are in custody since 28.10.2018 on alleged recovery of 10 liters of Mahua liquor from the joint possession of the petitioners. The submission is that recovery is contrary to the procedure prescribed under Section 100 of Criminal Procedure Code and that petitioners have falsely been implicated in this case.

Considering the aforesaid submissions and the facts



and circumstances of the case, petitioners' prayer for bail is allowed. Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Patna in Special Case No 10279 of 2018 arising out of Bihta Police Station Case No 1214 of 2018 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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