

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52772 of 2018

Arising Out of PS.Case No. -375 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

- =====
1. Rajesh Raut, Son of Late Raghunath Raut
 2. Chulahai Sah @ Chulhai Saha @ Chulai Saha, son of Ram Adhar Sah
@ Ramadhar Saha, both resident of village – Maudah, P.S.-Sahiyara,
District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Atul Chandra

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 27-08-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

36 litres of Nepali saufi wine is said to have been
recovered from the motorcycle and the petitioners sitting on the
said motorcycle were apprehended.

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 by the personnel of Excise department merely on suspicion while they were passing through the place of occurrence at the time of occurrence and real culprit managed to escape dumping the aforesaid liquor there seeing them. There is violation of Section 100 Cr.P.C. They have no criminal antecedent. They have been languishing in custody since 18.07.2018.

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, Sitamarhi in connection with Case No. C2/375/18.

(Prakash Chandra Jaiswal, J)

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