

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6279 of 2018

Arising Out of PS.Case No. -96 Year- 2017 Thana -HATHAURI District- SAMASTIPUR

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1. Ram Lagan Sah, Son of Late Raja Ram Sah, Resident of Village-
Makhana, P.S. - Baheri, District- Darbhanga.
2. Sanjeev Kumar Yadav, Son of Pitambar Yadav, Resident of Village-
Ramaul, P.S.- Hayaghat, District- Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 17.11.2017 in connection with Hathauri P.S. Case No. 96 of 2017 for the offences alleged under Sections 272, 273, 467, 468 and 471 of the Indian Penal Code and Sections 38, 47 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioners have been falsely implicated in connection with the recovery of foreign liquor from a pick-up truck bearing registration no. BR07 GA – 0944 of which petitioner no. 1 is said to be the driver and petitioner no. 2 is said to be the owner. It is pointed out that the petitioners have been falsely implicated merely on suspicion and there is no recovery from their conscious possession. Even according to the first information report, 20 cartons of 750 ml. of Royal Stag Whisky was recovered from a person who was arrested on the pick-up truck and identified as Raja Kumar Singh and another person who is said to have been identified as Deepak Kumar Singh. There is a large



discrepancy even in the quantity of liquor said to have been recovered as stated in the FIR amounting to 180 litres as well as in the seizure list amounting to 401 litres. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 6th-cum-Special Judge, Excise Act, Samastipur, in connection with Hathauri P.S. Case No. 96 of 2017, on the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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