

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44451 of 2018

Arising Out of PS.Case No. -368 Year- 2018 Thana -MASAURHI District- PATNA

- =====
1. Rajeshwar Mistri aged about 70 years, S/o Late Lobhi Mistri.
 2. Gopal Mistri @ Bhojpuri, aged about 47 years, S/o Late Dev Kumar Mistri.
- Both are resident of village – Bhadaura Tola Road, P.S.-Masaurhi,
District – Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 24-07-2018 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.

10 litres of country made liquor and 70 Kg of Mahua
flower are said to have been recovered from the house of
petitioner no.1 Rajeshwar Mistri and both the petitioners present
in the house 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 article. Petitioner no.1 Rajeshwar Mistri has been falsely implicated in the case at the instance of his enemies. The house of petitioner no.1 is inhabited by several family members and he had no knowledge of keeping of the said liquor in the house while petitioner no.2 Gopal Mistri who happens to son in law of petitioner no.1 has been falsely implicated in the case by the police merely on suspicion while he had visited to petitioner no.1 at the time of occurrence. Seizure list does not bear the signature of the petitioners. They have no criminal antecedent. They have been languishing in custody since 30.05.2018.

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 Special Judge, Excise, Patna in connection with Masaurhi P.S. Case No. 368 of 2018, Corresponding to Special Case No. 5036 of 2018.

(Prakash Chandra Jaiswal, J)

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