

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49820 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -MADHUBAN District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Bhola Prasad, son of Late Durga Prasad, resident of village Bhangarua, Police Station Madhuban, District East Champaran.
 2. Jagdish Prasad, son of Late Dhanai Prasad, resident of village Doma Ghat, Police Station Madhuban, District East Champaran.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 13-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners seeks permission to make correction in paragraph-12 of the petition regarding the date of custody and he is permitted to do so.

The petitioners seek bail in a case registered for the offence punishable under Sections 272 & 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

49.575 liters of foreign liquor is said to have been recovered from the house of petitioner no.1-Bhola Prasad and both the petitioners were apprehended.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious



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physical possession of the petitioners. They have no concern with the seized liquor. The house of the petitioner no.1 is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house while petitioner no.2 had arrived at the house of petitioner no.1 at the time of occurrence. Petitioners have been falsely implicated in this case at the instance of their enemy. They have no criminal antecedent and have been languishing in custody since 06.06.2018.

In the facts and circumstances of the case, 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 Additional Sessions Judge-VII-cum-Special Judge Excise, East Champaran at Motihari in connection with Madhuban P.S. Case No.90 of 2018.

(Prakash Chandra Jaiswal, J)

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