

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34327 of 2018

Arising Out of PS.Case No. -149 Year- 2017 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Pawan @ Pawan Kumar Sah @ Dayashankar Sah,
2. Uma Shankar Sah, Both sons of Upendra Sah, Resident of Village-
Chakeso, P.S.- Mahnar, District- Vaishali.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Anish Chandra, Adv.

For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

02 20-06-2018 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 273 of the Indian Penal Code and Section 30 (a), 38 (1) of the Bihar Prohibition and Excise Act, 2016.

1294.920 liters of foreign liquor is said to have been recovered from the pickup van parked in front of the house of the accused Pramod Rai and his son Abhinash Rai and the aforesaid accused persons and other managed to escape seeing the police party.

It is submitted by learned counsel for the petitioners that no



- 2 -

incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or the vehicle in question. They are not named in the F.I.R. They were not apprehended on the spot. There is nothing on record indicating the complicity of the petitioners barring the confessional statement of Pramod Rai and Abhinash Rai. The aforesaid Pramod Rai and Abhinash Rai have been enlarged on bail by a coordinate Bench of this Court vide order dated 09.11.2017 in Cr. Misc. No.48241 of 2017. Petitioners have no criminal antecedent and have been languishing in custody since 11.04.2018.

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-II-cum-Special Judge (Excise Act), Vaishali at Hajipur in connection with Mahanar P.S. Case No. 149 of 2017.

(Prakash Chandra Jaiswal, J)

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