

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52826 of 2018

Arising Out of PS.Case No. -394 Year- 2018 Thana -SIWAN MUFFASIL District- SIWAN

- =====
1. Byas Baitha, Son of Sukhlal Baitha.
 2. Ravish Baitha, Son of Dharmanath Baitha, Both resident of village – Barhan Gopal, Police Station – Siwan Mufasil, District – Siwan.
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 28-08-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 38(1) and 41 of the Bihar Prohibition and Excise Act, 2016.

225 litres of country made and foreign liquor is said to have been recovered from the bush located near Mardapur bridge and from the two motorcycles parked there which is said to have been kept there by the petitioners and one other accused Rakesh Kumar who were apprehended in the course of escaping from the said place.

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 either with the seized liquor or any trade of liquor or motorcycle in question or place of recovery. Place of recovery is open place and is easily accessible to anyone. There is violation of Section 100 Cr.P.C. Petitioner no.2 has no criminal antecedent. Though one more case under Excise Act has been lodged against petitioner no.1, but he is on bail in the said case. Petitioners have been languishing in custody since 10.07.2018.

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) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise, Siwan in connection with Siwan Mufasil P.S. Case No. 394 of 2018.

(Prakash Chandra Jaiswal, J)

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