

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53705 of 2018

Arising Out of PS.Case No. -172 Year- 2018 Thana -KOTWA District- EASTCHAMPARAN
(MOTIHARI)

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1. Santosh Sah son of Wakil Sah,
2. Bhushan Patel son of Late Kedar Patel,
3. Chandan Ram son of Shivmangal Ram
All residents of village- Bhopatpur Chaubey Tola, P.S.- Kotwa, District-
East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 30-08-2018 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 Sections 272, 273 and 34 of the Indian
Penal Code and Sections 30(a), 41 (f) of the Bihar Prohibition and
Excise Act, 2016.

34 liters of spirit is said to be recovered from the
motorcycle and the petitioners sitting on the said motorcycle 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 liquor. They have been falsely implicated in this case by the police merely on suspicion while they were passing through the place of occurrence at the time of occurrence. and the real culprit managed to escape dumping the aforesaid liquor there seeing the police personnel. Though one more case under the Excise Act has been lodged against the petitioner no.1 but he is on bail in the said case. Petitioner nos. 2 and 3 have no criminal antecedent. They have been languishing in custody since 13.07.2018.

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 Special Judge Excise, East Champaran, Motihari in connection with Kotwa P.S. Case No. 172 of 2018.

(Prakash Chandra Jaiswal, J)

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