

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61871 of 2018

Arising Out of PS. Case No.-175 Year-2018 Thana- BIHARIGANJ District- Madhepura

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1. Bhola Sahni, Son of Late Sutaru Sahni @ Satru Sahni, resident of village- Puraini, Ward No. 7, P.S.- Puraini, District-Madhepura.
 2. Dilip Kumar, Son of Khelo Sahni, Resident of Village- Puraini Ward NO. 7, P.S. Puraini, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-10-2018

Heard learned counsel for the parties.

The petitioners seek bail in Bihariganj Police Station Case No. 175 of 2018 (Excise Case No. 471 of 2018, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There are three persons named in the first information report. Allegedly, they are said to have been found fleeing on seeing the Police. They were, however, caught and from their possession, 49.5 litres of country made liquor was recovered. The co-accused, Dinesh Murmu, is said to have disclosed to the Police that he had sold the said country made liquor to these two petitioners.



I find from the averments made in paragraph 3 of the application, that the petitioner no. 1, Bhola Sahni, has criminal antecedents inasmuch as he is an accused in Puraini Police Station Case No. 62 of 2016 for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 47(A) of the Bihar Excise Act.

Considering the fact that the petitioner no. 1, Bhola Sahni has criminal antecedents inasmuch as he is said to have indulged in similar type of offence, I am not inclined to grant him privilege of bail. Accordingly, this application, so far as petitioner no. 1, Bhola Sahni, is concerned, is rejected.

However, this application for for grant of bail on behalf of petitioner no. 2, Dilip Kumar, is allowed.

Let the petitioner no. 2, Dilip Kumar, be released 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 Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhepura in Bihariganj P.S. Case No. 175 of 2018 (Excise Case No. 471 of 2018).

(Chakradhari Sharan Singh, J)

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