

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12635 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

1. SUNIL SAH, aged 40 years, Male, Son of Barhma Sah
2. Hari Shankar Yadav, aged 45 years, Male, Son of Late Ram Aagaya Rai, both are Residents of Village- Kasahi Tarwa (Pohia), P.S.- Kopa, Distt- Saran

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Mukesh Kumar Singh, Adv.

For the Opposite Party : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 11.01.2019 in connection with Chapra (M) P.S. Case No. 8 of 2019 for the offences alleged under Sections 272 and 273 of the Indian Penal Code and under Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on information that in the village Sandha Chawar many persons are engaged in manufacturing of illicit country made mahua wine, the police conducted a raid. While 8-10 persons managed to flee away, three persons, including the petitioners, were apprehended. From the possession of the co-accused about 110 liters of mahua wine was recovered and from the possession of the petitioners two motorcycles and 95 liters each of mahua wine were recovered.



Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. It is submitted that the co-accused, apprehended along with the petitioners, have already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 9334 of 2019, dated 18.02.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances, the materials on record as well as the period of custody, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Chapra (M) P.S. Case No. 8 of 2019 to the satisfaction of the learned Additional District Judge, VI, Saran at Chapra.

(Nilu Agrawal, J)

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