

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9919 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- HATHAURI District- Muzaffarpur

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1. AJAY RAI @ RADHEY RADHEY Son of Dharikshan Rai Resident of Village - Dharmpur, P.S.- Minapur, District - Muzaffarpur
 2. Vijay Rai Son of Dharikshan Rai Resident of Village - Dharmpur, P.S.- Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are in custody in connection with Hathauri P.S. Case No. 13 of 2019, registered for the offence punishable under Sections 272/273/120 (B) of the Indian Penal code and Section 30 (a), 38 (i) (ii) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent. He further submits that in the instant case total 1306.800 liters liquor was seized from the truck. Learned counsel for the petitioner submit that petitioners was not named in the F.I.R. The name of the petitioner No.1 was disclosed by co-accused Ajay Kumar son of



Geni Rai and name of the petitioner No.2 surfaced subsequently. Learned counsel further submits that nothing was recovered from the possession of the petitioners and only on the disclosure made by the co-accused they have been made accused in the instant case. He submits that petitioners are in custody since 23.1.2019.

Considering the fact that the petitioners have no criminal antecedent, let the petitioners named above be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Special Judge, Excise Act, Muzaffarpur in connection with Hathauri P.S. Case No. 13 of 2019, subject to the condition that one of the bailors should be elected representative of the local body.

(Anil Kumar Upadhyay, J)

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