

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23989 of 2019

Arising Out of PS. Case No.-929 Year-2018 Thana- SITAMARHI District- Sitamarhi

1. NAGA SAH, aged 35 years, Male
2. Dharmendra Sah, aged 33 years, Male, both sons of Late Dashrath Sah,
Residents of Village - Punaura OP West, P.S.- Punaura, Distt - Sitamarhi
... Petitioners

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. Virendra Kumar, Adv.
For the Opposite Party : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor appearing for the State.

The petitioners are languishing in judicial custody since 13.02.2019 in connection with Sitamarhi P.S. Case No. 929 of 2018 for the offences alleged under Sections 272 and 273/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that illicit liquor is concealed in a hut, the police conducted a raid and apprehended one Salahuddin Ansari, who owned the said hut. From the hut, on search, 197.280 liters of Indian made foreign liquor was recovered, who disclosed that on threat of the petitioners the said illicit liquor was concealed in his hut. Accordingly, a



seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that the petitioners have not been apprehended on the spot and due to village rivalry the names of the petitioners have been dropped by the apprehended co-accused, who has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 74297 of 2018, dated 14.12.2018. He submits that nothing has been recovered from the conscious possession of the petitioners.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners are full brothers and involved in four more cases of similar nature.

Considering the nature of allegations and the materials on record, 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 Sitamarhi P.S. Case No. 929 of 2018 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise, Sitamarhi, or the successor Court subject



to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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