

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21721 of 2019

Arising Out of PS. Case No.-932 Year-2018 Thana- SITAMARHI District- Sitamarhi

-
1. DHARMENDRA SAH Son of Late Dashrath Sah Resident of Village-Punaura, O.P West P.S. and District-Sitamarhi.
 2. Naga Sah@ Naga Das Son of Late Dashrath Sah Resident of Village-Punaura, O.P West P.S. and District-Sitamarhi

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Virendra Kumar, Advocate

For the Opposite Party : Mr.Parmanand Kumar, Addl Public Prosecutor

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-04-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 22.02.2019 in connection with Sitamarhi Police Station Case No. 932 of 2018 for the offence alleged under Sections 272, 273, 379 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

The prosecution case, as lodged by the police personnel is that on secret information that the petitioner no.1 along with his brother petitioner no.2 Naga Sah had thrown illicit liquor in a Jalkumbhi, 14 to 15 persons are searching the illicit liquor and 100 to 150 persons have surrounded the



Jalkumbhi, police conducted a raid. All the persons near the Jalkumbhi managed to flee away. On search 378 liters of India Made Foreign Liquor was recovered. Accordingly, 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 this case. He further submits that the petitioners have been made accused only on suspicion because of their criminal antecedent. He submits that nothing has been recovered from their conscious possession.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners do not bear clean antecedent as out of four case three are of similar nature, pending against the petitioners.

Considering the nature of allegations, the materials on record and that nothing has been recovered from the conscious possession of the petitioners, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Sitamarhi Police Station Case No. 932 of 2018 to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Sitamarhi, subject to the condition



that one of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

Shashi

U		T	
---	--	---	--

