

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26208 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- SAUR BAZAR District- Saharsa

PRAKASH SAH Son of Late Bhola Prasad Sah, Resident of village-
Gamhariya, P.S.- Sour Bazar, (O.P. Bejnathpur), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29639 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. SANDEEP SAH Son of Late Surya Narayan Sah
2. Chandan Sah son of late Surya Narayan Sah
3. Ranjit Sah @ Ranjit Kumar Sah Son of Surya Narayan Sah all Resident of
Village- Gamhariya, P.S.- Sour Bazar (Baijnathpur Police Camp) District-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26208 of 2019)

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.Nand Kumar

(In CRIMINAL MISCELLANEOUS No. 29639 of 2019)

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioner in Cr. Misc. No. 26208 of 2019 is
languishing in judicial custody since 21.02.2019 and petitioners
in Cr. Misc. No. 29639 of 2019 are languishing in judicial



custody since 12.02.2019 in connection with Special Excise Case No. 80 of 2019 arising out of Sour Bazar P.S. Case No. 48 of 2019 for offences punishable under Section 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police personal is that on secret informant that one Prakash Sah along with his nephews the petitioners in Cr. Misc. No. 29639 of 2019 are dealing in illicit liquor, a raid was conducted and near puja room and toilet 43 litres of country made liquor was recovered. 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. It is submitted that -nothing has been recovered from the possession of the petitioners or from the house of the petitioners but rather from the open space. It is further submitted that the petitioners are languishing in judicial custody since more than two months and are ready to cooperate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner Prakash Sah in



Cr. Misc. No. 26028 of 2019 does not bear a clean antecedent and one more case under Excise Act is pending against him.

Considering the nature of allegations, period of custody and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge IInd-cum-Special Judge, Excise Act, Saharsa in connection with Special Excise Case No. 80 of 2019 arising out of Sour Bazar P.S. Case No. 48 of 2019, subject to the condition that one of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

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