

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24770 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- BASANTPUR District- Siwan

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1. Chandan Bharti @ Chandan Kumar Bharti Son of Satyendra Bharti @ Satendra Bharti Resident of Village - Bankajua, P.S.- Bhagwanpur Hat, Dist.- Siwan.
 2. Amit Bharti Son of Satyendra Bharti @ Satendra Kumar Bharti Resident of Village - Bankajua, P.S.- Bhagwanpur Hat, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Basantpur P.S. Case no. 67 of 2019 registered under Sections 272, 273, 308/34 of the Indian Penal Code and Sections 30(a) and 38 of Bihar Prohibition and Excise Act-2016.

731 lts. of foreign liquor is said to have been recovered from the abandoned truck parked in the vicinity of newly constructed house of the petitioners and Chowkidar identified the petitioners and some other accused persons escaping on the Scorpio and motorcycle. Petitioners are said to be the trader of the illicit liquor.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from



conscious physical possession of the petitioners. They have no concern either with the seized liquor or with the truck in question or with the Scorpio or with the place of recovery. The place of recovery is open place and easily accessible to all. Petitioners were not apprehended on the spot. There is nothing on record indicating the complicity of the petitioners in the occurrence barring the disclosure made by the Chowkidar due to animosity. They have no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Basantpur P.S. Case no. 67 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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