

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34607 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. Umesh Rai S/o Ram Prit Rai R/o village- Manikpur, P.S.- Minapur, District- Muzaffarpur
2. Manoj Rai S/o Ramsagar Rai R/o village- Manikpur, 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.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioners as well as
learned counsel for the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 272, 273 of the I.P.C. and Sections 30(a), 38, 41 of the Bihar Excise Amendment Act, 2016.

There is allegation of recovery of 685.080 litres of Indian Made Foreign Liquor from the field of the village Shahpur, which was concealed beneath the straw heap. On the basis of identification by a chowkidar, name of the petitioners have come in the case.

Learned counsel for the petitioners submits that the



petitioners have no criminal antecedent. Provisions of section 100 of the Cr.P.C. have not been followed in the alleged search and recovery. Petitioner's counsel contends that nothing has been recovered from the possession of the petitioners nor the field in question belongs to the petitioners.

Considering the fact of the case, let the petitioners, above named, in the event of their arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released 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 Special Judge, Excise Act, Muzaffarpur in connection with Minapur Police Station Case No. 33 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioners.

(Prabhat Kumar Singh, J)

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