

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33777 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- RAJNAGAR District- Madhubani

1. ANIL SAHU @ ANIL SAH Son of Ramashish Sah Resident of Village - Kamla Road, P.S.- Jai Nagar, Distt - Madhubani.
2. Gopal Mahaseth Son of Mahendra Mahaseth Resident of Village - Kamla Road, P.S.- Jai Nagar, Distt - Madhubani.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

1618.620 liters of foreign liquor is said to have been recovered from the truck, pick-up van and Indica Car and one Rakesh Sahani was apprehended from the said Indica Car who has named the petitioners and other



accused persons as purchasers of the aforesaid liquor.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or with the vehicle in question or any trade of liquor. There is nothing on record indicating the complicity of the petitioners barring the disclosure made by co-accused Rakesh Sahani due to animosity which has no evidentiary value in the eye of law. There is violation of Section 100 Cr.P.C. No offence under Excise Act is made out against the petitioners.

Learned APP for the State opposed the bail petition.

Having regard to 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 six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in



connection with Raj Nagar P.S. Case No. 89 of 2019,
subject to the condition as laid down under Section 438 (2)
of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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

