

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54179 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- BAIRIYA District- West Champaran

1. BADRI SAH @ BADARI SAH, aged about 25 years, Male, Son of Javahir Sah, Resident of Village- Tadhwa Nandpur, Nawakatola, P.S.- Bairiya, District- West Champaran
2. Jainath Sah @ Jagarnath Sah, aged about 35 years, Male, Son of Thag Sah, Resident of Village- Tadhwa Nandpur, Nawakatola, P.S.- Bairiya, District- West Champaran
... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar No 7, Adv.

For the Opposite Party : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Bairiya P.S. Case No. 113 of 2019 for the offences alleged under Sections 414/34 of the Indian Penal Code and 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of raid 900 ml Indian made foreign liquor recovered from the house of Badri Sah, a jar of 10 liter and 1.5 liters of Indian made foreign liquor from the house of Munni Lal Sah and 2.5 liters of Indian made foreign liquor from the house of Jainath Sah.

Learned counsel appearing for the petitioners submits



that it would appear from the first information report that the petitioners were not found at their houses at the time of raid. Panmati Devi and Rinki Devi, the mother and wife of petitioner no. 2, Jainath Sah, were also apprehended on the spot. The houses of the petitioners are joint family property and both the petitioners have no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bairiya P.S. Case No. 113 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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