

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60029 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- SUGAULI District- East Champaran

1. Abhay Sahani @ Abhay Kumar Sahani, Aged about 19 years, Male, S/o Shukhichan Sahani @ Shukchan Sahani, R/o village- Muahawa Ward No.- 5, P.S.- Sugauli, District- East Champaran
2. Fulmati Devi, aged about 38 years, Female, W/o Shukhichan Sahani @ Shukchan Sahani, R/o village- Muahawa Ward No.- 5, P.S.- Sugauli, District- East Champaran
3. Shukhichan Sahani @ Shukchan Sahani, aged about 43 years, Male, S/o Late Jaleshar Sahani, R/o village- Muahawa Ward No.- 5, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-09-2019 Heard both sides.

The petitioners apprehend their arrest in Sugauli P.S. Case No.248 of 2019, registered under Sections 272 and 273 of the Indian Penal Code as well as under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act.

The informant alleged that the petitioners are alleged to have kept liquor in the Shisham trees orchard situated 200 meters away from the house of the petitioners. Raid was conducted and 10 litres of country made liquor besides other articles were recovered.

Learned counsel for the petitioners submits that the



petitioners have no manner of concern with the recovery made from the Shisham trees orchard. Nothing has been recovered from the house of the petitioners and the petitioners have falsely been implicated in the case.

Taking into consideration the facts aforesaid and the fact that nothing has been recovered either from the conscious possession of the petitioners or from the house of the petitioners and the recovery was made from the lonely place, a Shisham trees orchard, situated 200 meters away from the house of the petitioners, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 Special Judge, Excise, East Champaran, Motihari in connection with Sugauli P.S. Case No.248 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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