

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74845 of 2018

Arising Out of PS. Case No.-368 Year-2018 Thana- MAIRWAN District- Siwan

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1. Maneeb Kumar Son of Raj Mohan Sah Resident of Village- Sareya, Police Station- Hussainganj, District- Siwan
 2. Pankaj Chaudhary Son of Dharamnath Chaudhary Resident of Village- Ghoraghat, Police Station- Manjhi, District- Saran ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, APP 225

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 20.09.2018 in connection with Mairwa P.S. Case No. 368 of 2018 for the offences alleged under Sections 272, 273, 308 and 34 of the Indian Penal Code and 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant police personnel, is that while on patrolling duty he saw three persons on three motorcycles, who on seeing the police tried to flee, but, they were chased and apprehended. From the bag on the motorcycle of each of the petitioners 25 liters of foreign liquor was recovered, accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent and are languishing in judicial



custody since 20.09.2018. He submits that nothing has been recovered from their conscious possession and the charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners do not have clean antecedent and are involved in similar offence earlier.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Mairwa P.S. Case No. 368 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan, subject to the condition that one of the bailors of each of the petitioner would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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