

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80345 of 2018

Arising Out of PS. Case No.-411 Year-2018 Thana- MAIRWAN District- Siwan

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1. Rakesh Kumar Pathak Son of Sukhdeo Jee Pathak, Resident of Village- Thiphahar Maricha, P.S.- Garkha.
 2. Chhotan Kumar, Son of Munna Jee Prasad @ Munna Prasad, Resident of Village- Sahebganj, P.S.- Chapra Town.
 3. Raja Kumar, Son of Shivjee Prasad, Resident of Village-Sahebganj, P.S.- Chapra Town.
 4. Gourav Kumar Giri, Son of Birendra Giri, Resident of Village- Arya Nagar Giri Tola, P.S.- Chapra Town All Dist.- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Smt Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

This is an application for grant of regular bail filed on behalf of the petitioners. Petitioners are in custody in connection with Mairwa PS Case No. 411 of 2018 for the alleged offence punishable under Sections 272, 273, 308, 34 of the Indian Penal Code and Section 30(A),38(i) and 41(i) of the Bihar Prohibition and Excise Act.

In the instant case, total 85 liters of country made liquor was seized from a car. Learned counsel appearing for the petitioners submits that petitioners have no criminal antecedent.



He further submits that petitioners were apprehended as they were inside the car from where the liquor was seized. Petitioners are in custody since 20.12.2018. It is further submitted that mandatory provisions of Section 100, CrPC were not followed in the process of preparation of seizure list.

Considering the fact that petitioners have no criminal antecedent and they are in custody since 20.12.2018, this application is allowed. Let the petitioners, above named, 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 Additional District Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Mairwa PS Case No. 411 of 2018.

(Anil Kumar Upadhyay, J)

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