

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78360 of 2019

Arising Out of PS. Case No.-396 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. Dharmendra Madhesia, Son of Shivpujan Madhesia, Resident of Village - Bhakhami, P.S. - Kaseya, Distt. - Kushi Nagar (U.P.).
2. Tushar Kumar
3. Uttkarsh Kumar
Both Sons of Late Umashankar @ Uma Shankar Thakur
Resident of Village - Kaseya Ward No. 24, Subhash Nagar, P.S. - Kaseya, Distt. - Kushi Nagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Aslam Ansari

For the Opposite Party/s : Mrs.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2019 Heard learned counsel for the petitioners and

learned counsel representing the State.

The petitioners in the present case are seeking regular bail in connection with Siwan Muffasil P.S. Case No.396/2019 registered for the offence punishable under Sections 272/273 of the Indian Penal Code and Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that the



petitioners are neither owner nor driver of the said vehicle from which the illicit liquor was recovered.

Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the vehicle from which the alleged recovery was made does not belong to this petitioner, rather it belongs to one Krishna Murari and further that the petitioners have no criminal antecedent and they are in custody since 22.10.2019, let the petitioners above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Siwan Muffasil P.S. Case No.396 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected,



of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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