

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 80740 of 2019

Arising Out of PS. Case No.-411 Year-2019 Thana- HISUWA District- Nawada

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1. LAL BABU Son of Ruplal Choudhary Resident of Village - Tungi Chakpar,
P.S.- Hisua, District- Nawada
 2. Rajesh Vishwakarma Son of Babulal Vishwakarma Resident of Village -
Tungi, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s :	Mr. Deepak Kumar
For the Opposite Party/s :	Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioners and the
learned APP for the State.

Petitioner seeks bail in a case registered under Section
30 (a) of Bihar Excise and Prohibition Act, 2016.

Learned counsel for the petitioners submits that the
recovery of 17 liters of illicit Mahua liquor is not from the
conscious possession of the petitioners. Petitioners have been
falsely implicated in this case. Falsity is evident from the fact
that Members of Raiding Party also became seizure list
witnesses and there is complete violation of the procedure as per
Section 100 of Criminal Procedure Code. Petitioner No 1 is
accused in Hisua Police Station Case No 251 of 2018 from
before, in which he is on bail. Petitioner No 2 has no criminal
antecedent and they are in custody in the instant case since



04.10.2019

Learned APP for the State has opposed the prayer.

Considering the rival submissions, this Court is inclined to accept the submission of the petitioner's Senior Counsel.

Let the petitioner above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Nawada in Hisua Police Station Case No 411 of 2019 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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