

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82980 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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1. Shamnath Sahani @ Shyamnath Sahani, son of Nirmal Sahani, resident of Village-Purvi Pakadi, P.S.-Dumariyaghat, District-East Champaran.
 2. Jai Kishore Sahani, son of Brija Sahani, resident of Village-Purvi Pakadi, P.S.-Dumariyaghat, District-East Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 272 and 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Five liters of country made liquor is said to have been recovered from the field and they were seen escaping from the aforesaid place by the Chaukidar.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They



have no concern either with the seized liquor or with the place of recovery or any activity of brewing liquor. They have been falsely implicated in the case by the Chaukidar due to animosity. There is violation of Section 100 Cr.P.C. No offence under Excise Act has been made out against the petitioner. They have no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 9th Additional Sessions Judge-cum-Special Judge Excise, East Champaran at Motihari in connection with Dumariyaghat P.S. Case No. 67 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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