

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1701 of 2020

Arising Out of PS. Case No.-433 Year-2019 Thana- BASANTPUR District- Siwan

1. RAHUL KUMAR DUBEY Son of Late Lalan Dubey Resident of Village - Bala, P.S.- Lakadi Naviganj, O.P. - Distt - Siwan.
2. Vishwanath Dubey Son of Late Khomari Dubey @ Khobhari Dubey Resident of Village - Bala, P.S.- Lakadi Naviganj, O.P. - Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-01-2020 Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Basantpur P.S.Case No.433 of 2019, registered for offences punishable under Sections 272, 273, 308, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 14 ltrs. 760 ml. of liquor has been recovered from the house of the petitioner no.2 and it is alleged that the petitioner no.2 is also engaged in the business of the liquor.

Submission of the learned counsel for the petitioners is that so far petitioner no.1 is concerned, there is no allegation of recovery of liquor and he has no criminal antecedent and the petitioner no.2 has also been falsely implicated in this case.

Heard learned A.P.P. also.



Having heard both sides and in view of submissions so far petitioner no.1 (Rahul Kumar Dubey) is concerned, let the petitioner no.1, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge 2nd cum Special Judge Excise, Siwan in connection with Basantpur P.S. Case No.433 of 2019 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no.2 (Vishwanath Dubey) is concerned, the application against him is dismissed and he is directed to move before the learned Special Judge for grant of regular bail, which will be considered by the learned court below on its own merit.

With the above direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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