

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 22386 of 2020

Arising Out of P.S. Case No.-101 Year-2020 Thana-CHAPRA TOWN District-Saran at Chapra

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1. Nageshwar Rai, Son of Late Subedar Singh
2. Abhay Rai, Son of Sri Nageshwar Rai, Both resident of Village/Mohallah- Bara Telpa, P.S. – (Chapra Town), District – Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02 25-08-2020

Heard Mr. Rakesh Kumar, learned Advocate for the petitioners and Mr. Sanjay Kumar Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Chapra Town P.S. Case No. 101 of 2020 dated 12.02.2020 instituted for the offences under Sections 420, 414 and 34 of the Indian Penal Code and Section 30 (C)(D) of Bihar Liquor Prohibition & Excise Act, 2016.

It appears from the FIR that the prosecution of the petitioners is on the basis of the fact that the petitioners supplied coal to the brewers of liquor.



It has been urged that on these set of facts, petitioners cannot be prosecuted for the offence for which FIR has been lodged. It has also been urged that the owner of the coal is Yashraj Enterprises, the proprietor of which is one Ms. Usha Devi having a valid license for purchase of such coal. The coal appears to have been purchased from M/s Maa Kalyaneshwari Construction, Central Colony, Bokaro. The petitioners are only labourers of aforesaid Yashraj Enterprises.

Regard being had to the aforesaid facts and taking into account the clean antecedents of the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of this order on their furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra in connection with Chapra Town P.S. Case No. 101 of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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