

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62949 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- PANCHRUKHI District- Siwan

1. Om Prakash Sah @ Om Prakash Kumar Sah Son of Ramayan Sah Resident of Village-Nainpura, P.S.-Pachrukhi, District-Siwan.
2. Brijbal Sah Son of Ramayan Sah Resident of Village-Nainpura, P.S.-Pachrukhi, District-Siwan.
3. Birbal Sah Son of Ramayan Sah Resident of Village-Nainpura, P.S.-Pachrukhi, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 04-03-2020 Heard counsel for the petitioners and counsel appearing on behalf of the State.

The petitioners are apprehending arrest in connection with Pachrukhi P.S. Case No. 224 of 2019 for offences under Sections 272, 273, 308/34 IPC and 30(a) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel appearing on behalf of the petitioner informs the Court that during the pendency of this application, the petitioner No. 3, Birbal Sah has been arrested and as such, this application on his behalf may be permitted to be withdrawn.

Accordingly, the application, so far as petitioner no. 3 is concerned, is dismissed as withdrawn.



Learned counsel for the petitioner submits that the petitioners have no criminal antecedent. Total 279.920 liters of liquor was seized from the Khap situated in the field of the petitioners. In other words, the seizure was made from the open field. The petitioner nos. 1 and 2 are Civil Engineer and Manager in Honda Motorcycle Agency at Siwan.

Considering the fact that the petitioners have no criminal antecedent and the liquor was seized from the open field, the Court is inclined to grant bail to the petitioner Nos. 1 and 2. Let the petitioner nos. 1 and 2, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum Special Judge, Excise, Siwan in connection with Pachrukhi P.S. Case No. 224 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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