

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49571 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

- =====
1. Munna Mahto, Son of Late Ram Sagar Mahto.
 2. Saroj Mahto, Son of Vijay Mahto. Both residents of Village-Bishunpur
Baladhari Dhamtoli, P.S. Hajipur Sadar, District-Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate.

For the Opposite Party : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since
03.08.2017 in a case for the offence registered under Sections
30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the police
searched the Tempo and recovered 210 liters of country made
liquor. The petitioners were present on the said Tempo.

It has been submitted by learned counsel for the
petitioners that the petitioner no.1 has criminal antecedent and
petitioner no. 2 has got no criminal antecedent. There is no
allegation of tampering with the witnesses alleged against the
petitioners. 210 liters of country made liquor is said to have been



recovered from the Tempo on which the petitioners were present. It is further submitted that no recovery was made from conscious possession of the petitioners nor they had any knowledge regarding the goods kept in the Tempo. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 92 of 2017.

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(Sudhir Singh, J)

