

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75963 of 2018

Arising Out of PS. Case No.-337 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. Raj Kumar Prasad @ Raj Kumar, Son of Dwarika Mahto.
2. Chhotelal Prasad, Son of Punit Mahto.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Sections 30 (a) and
56 (b) of the Bihar Prohibition and Excise Act, 2016.

Petitioner's counsel submits that recovery of 37.5
liters of foreign liquor from vehicle in question cannot be
attributed to the petitioners as they are not owner of the vehicle
in question and were bonafide passengers of the vehicle. He
submits that prior to the instant case the petitioners have no
criminal antecedent and they are in custody since 05.11.2018.
He also submits that the seizure is not in accordance with
procedure prescribed under Section 100 Cr.P.C.

In the facts and circumstances of the case, prayer



for bail of the petitioners is allowed. Let the petitioners above named be released on bail on their furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional District Judge-II-cum-Special Judge, Nawada in G.O. Case No. 337 of 2018 subject to the conditions :

(i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners.

(ii) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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