

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4557 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- HUSSAINGANJ District- Siwan

1. Satyendra Choudhary, aged about 30 years (M), Son of Prabhu Choudhary
R/o- village-Gopalpur, P.S.-Hussainganj, Distt.-Siwan
2. Mukhesh Kumar Yadav @ Mukesh Yadav, aged about 30 years (M), Son of
Birendra Yadav @ Birendra Chaudhary, R/o- village-Chhapia Bujurg, P.S-
Hussainganj, Distt.-Siwan

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are languishing in custody since 04.09.2018 and 25.10.2018, respectively, in a case registered for the offences punishable under Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that from the bamboo orchard near the house of the petitioner no.2, 90 litres of illicit liquor and from the shop of the father of the petitioner no.1, 25 litres and 200 ML illicit liquor was recovered.

It is submitted by learned counsel for the petitioners that



recovery has not been made from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that apart from present one, the petitioners are also involved other cases of similar nature.

Learned APP submits that recovery has been made either from around the place of residence or from shop of the father of the petitioner.

Considering the fact that prosecution report does not suggest that recovery has been made from the conscious physical possession of the petitioners and period under custody, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Hussainganj P.S. Case No. 277 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

