

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3081 of 2019

Arising Out of PS. Case No.-332 Year-2018 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Lakshandeo Bind @ Lakshandeo Prasad, son of late Suraj Bind
 2. Shankar Bind @ Shankar Bin, son of Bunela Bind. Both are Resident of Village-Pacharhatha, P.S- G.B Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a)(c)(d), 36, 38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Sanjeev Kumar Ranjan, A.S.I., G.B. Nagar P.S. submitted to the S.I. -cum- S.H.O., G.B. Nagar P.S. is to the effect that on 14.10.2018 at about 11.00 A.M., after having received a secret information to the effect that the petitioners and co-accused persons are manufacturing and selling illicit country made Mahua liquor, a



raid was laid and from the front portion of the house of petitioner no.1, two litres of illicit country made Mahua liquor, from the back of the house of petitioner no.2, three litres of illicit country made Mahua liquor and from the houses of other co-accused persons, four litres of illicit country made Mahua liquor and other articles were recovered.

It is submitted by learned counsel for the petitioners that the recovery has not been made from the conscious physical possession of the petitioners or from the house of the petitioners. It is further submitted that the recovery has been made from an open space. Moreover, only on the basis of suspicion raised by the Chaukidar, the petitioners have been named in the FIR, who suggested that the persons who were escaped from the place of recovery are the petitioners and other co-accused persons. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners were the persons who escaped from the place of recovery.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioners,



coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **2nd Additional Sessions Judge-cum-Special Judge Excise, Siwan** in connection with **G.B. Nagar P.S. Case No.332 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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