

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5727 of 2019

Arising Out of PS. Case No.-255 Year-2018 Thana- MANIGACHI District- Darbhanga

Radha Mohan Prabhu, aged about 19 years, Sex – Male, S/O- Shiv Shankar Mandal @ Shivshankar Mandal, Resident of Village- Ladho, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate

Mr. Rahit Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 18.12.2018 in a case registered for the offences punishable under Sections 30(a) & 41 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a truck, 1221 litres of illicit foreign liquor were recovered. Two persons were found escaping from the place of recovery. The petitioner was found standing near the cabin of the alleged truck. One person was apprehended, who disclosed his name as Ramesh and who also



disclosed the name of other person, who flee away. The truck has been found registered in the name of one Man Singh.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the possession of the petitioner. The truck has been found registered in the name of some other person and co-accused Rahul Kumar Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 30.01.2019 passed in Cr. Misc. No. 4989 of 2019. A statement has been made in paragraph 3 of the petitioner that the petition is not having any criminal antecedent.

Learned APP submits that the petitioner was found near the truck.

Considering the fact that the recovery has not been made from the possession of the petitioner and co-accused Rahul Kumar Sah has been granted bail, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Vth -cum- Special Judge (Excise



Act), Darbhanga in connection with Manigachhi P.S. Case No.
255 of 2018/G.O. Case No. 1072 of 2018.

(Dinesh Kumar Singh, J)

DKS/-

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

