

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5466 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Nalanda

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1. Md. Nasim, son of Late Md. Alauddin, aged about 20 years, Gender-Male
 2. Manish Kumar, Son of Satynarayan Rajvanshi, aged about 20 years, Gender Male, both Resident of Mohalla-Old Bus Stand, Takiya Mohalla- Rajauli, P.S.- Rajauli, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 11.11.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that on information that the petitioners are dealing in the smuggling of illicit liquor, a raid was laid in a bus, when from underneath the seat allocated to the petitioners, 60 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical



possession of the petitioners and only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that recovery has been made from underneath the seat allocated to the petitioners.

Considering the recovery being made from a public transport and the investigation being concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner 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 ADJ-VI-cum-Special Judge (Excise), Nalanda at Bihar Sharif in connection with Excise P.S. Case No. 216C3Ex./2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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