

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7064 of 2019

Arising Out of PS. Case No.-293 Year-2018 Thana- BAUSI District- Purnia

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1. SANJAY KUMAR MAHALDAR @ SANAJY MAHALDAR, Son of Vishwanath Mahaldar,
 2. Rajesh Kumar Mahaldar @ Rajesh Kumar, Son of Late Asharfi Mahaldar, Both resident of Vill.- Birpur Lokhra, P.S.- Sadar Muffasil, Dist.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 18.12.2018 in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case is that the petitioners were apprehended from an auto rikshaw, from which 40.520 litres of foreign liquor were recovered.

It is submitted by learned counsel from the petitioner that the recovery has not been made from the conscious physical possession of the petitioners. It is further submitted that the petitioner no.1 is the driver and petitioner no.2 is the passenger



of the auto rikshaw from which said recovery has been made but they have no connection with the alleged recovery. Moreover, the alleged recovery was made from a chamber of the auto rikshaw which was locked with nut bolts. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the petitioner.

Considering the fact that the recovery has been made from an auto rikshaw, coupled with the statement has been 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned **2nd Additional Sessions Judge-cum-Special Judge, Excise, Purnea**, in connection with **Baisi P.S. Case No.293 of 2018** giving rise to **Special Excise Case No.1125 of 2018**.

(Dinesh Kumar Singh, J)

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