

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7058 of 2019

Arising Out of PS. Case No.-634 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. ANDESH KUMAR @ UNDESH KUMAR, Son of Ram Bali Mahto, Resident of Village - Betahi, P.O. and P.S.- Kanhauli, District - Sitamarhi.
 2. Pappu Paswan, Son of Late Guday Paswan @ Guddar Paswan, Resident of Village - Malangawa, P.S.- Malangawa, District- Sarlahi (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Matloob Rab, 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 06.12.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that when S.S.B. personnel tried to intercept the petitioners, they threw the liquor and tried to flee away. Thereafter, 95.200 litres of Nepali liquor were recovered.

It is submitted by learned counsel for the petitioners that in fact no recovery has been made from the conscious physical possession of the petitioners. 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 petitioners.

Considering the period under custody, 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 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 **A.D.J.-II-cum-special Judge Excise Act, Sitamarhi**, in connection with **Case No.C2/634/2018**.

(Dinesh Kumar Singh, J)

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