

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7434 of 2019

Arising Out of PS. Case No.-118 Year-2018 Thana- BANGAWON District- Saharsa

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UMESH TANTI Son of Late Kailu Tanti Resident of Village- Bariyahi Bazar,
Safabad, P.S.- Bangaon, District Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 16.11.2018 in a case registered for the offences punishable under Sections 30(a),38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of S.I. of Police Nand Kumar Singh submitted to the SHO, Bangaon Police Station is to the effect that on 28.10.2018 at 11.00 P.M. , during patrolling the informant received an information about storage of foreign liquor in the house of Chandan Choudhary, which was to be transported to Nunu Singh, resident of Teghra village. After giving information to the senior police officer, raid was laid when one Bolero vehicle, one Santro car and two motorcycles were found parked. From the house of Chandan



Choudhary, 319.68 litres, from the house of the petitioner, 529.92 litres, from the Bolero vehicle 1676.16 litres and from Santro Car 126 litres of illicit liquor were recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from the joint family house and petitioner is not having any criminal antecedent, moreover, the investigation has already been concluded and co-accused Mani shankar Singh and Monu Alam have been granted bail vide order dated 3.1.2019 passed in Cr. Misc. No.77726 of 2018 and co-accused Rekha Devi has been granted bail vide order dated 9.1.2019 passed in Cr. Misc. No.78460 of 2018.

Learned APP submits that huge quantity of liquor has been recovered.

Considering the fact that investigation has already been concluded, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, the prosecution report does not suggest the ownership of the seized vehicles and the period under custody, let the petitioner above named 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 the learned ADJ-cum-Special Judge, Excise Act, Saharsa in connection with Special (Excise) Case



No. 566 of 2018 arising out of Bangaon P.S. Case No.118 of
2018.

(Dinesh Kumar Singh, J)

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