

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7691 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- SAHAR District- Bhojpur

1. Manoj Yadav, aged about 35 years (Male), Son of Guru Dayal Yadav, Resident of Village – Dhauri, P.S. Sahar, District – Bhojpur.
2. Sadhu Ram, aged about 36 years (Male), Son of Late Chinta Mani Ram Resident of Village – Dhauri, P.S. Sahar, District – Bhojpur.
3. Chhote Lal Saw, aged about 31 years (Male), Son of Paras Saw, Resident of Village – Parasi, P.S. Parasi, District – Arwal.
4. Madheshwar Rawani, aged about 37 years (Male), Son of Dukhit Rawani Resident of Village – Parasi, P.S. Parasi, District – Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are languishing in custody since 07.12.2018 in a case registered for the offences punishable under Sections 30(a), 36, 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of A.S.I. Arvind Kumar submitted to the Station House Officer of Sahar Police Station is to the effect that on 06.12.2018 at 11.00 A.M., a secret information was received that on



the other side of village Dhauri in the embankment of the river in forest area, illicit liquor is being prepared and being sold, a raid was laid whereupon, on seeing the police party, some persons starting fleeing away but on chase being made, four persons were apprehended including the petitioners and from the embankment of the river in three gallons 60 litres of illicit country made Mahua liquor were recovered.

It is submitted by learned counsel for the petitioners that the recovery has not been made from the conscious physical possession of the petitioners and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners have been apprehended while manufacturing Mahua liquor.

Considering the suspicious nature of accusation and the prosecution case does not suggest the alleged recovery from the conscious physical possession of the petitioners, coupled with the statement made in paragraph 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 bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise, Bhojpur at Ara in connection with Excise Case
No. 2232 of 2018, arising out of Sahar P.S. Case No. 263 of
2018.

(Dinesh Kumar Singh, J)

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