

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9545 of 2019

Arising Out of PS. Case No.-693 Year-2018 Thana- MANER District- Patna

-
1. SANJAY KUMAR Son of Ram Nath Rai Resident of Village - Rasulpur Mohalla, Maner, P.S. Maner, District - Patna.
 2. Ganesh Kumar Son of Birendra Singh Resident of Village - Hathi Tola, P.S. Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 27.12.2018 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 from a Safari vehicle, 430 litres of made in India made foreign liquor and from the shop of one Dabloo Kumar, 111 litres of illicit liquor were recovered and the petitioners were apprehended while escaping from the scene.

It is submitted by learned counsel for the petitioners that nothing has been recovered from the conscious physical possession of the petitioners and the petitioners have no concern with the alleged Safari vehicle and statement has been made in



paragraph 3 of the petition that the petitioners are not having any criminal antecedent. It is further submitted that the petitioner has been apprehended from the spot only on the basis of suspicion.

Learned APP submits that the petitioners were apprehended from the place of seizure.

Considering the fact that the accusation does not suggest recovery of illicit liquor from the conscious physical possession of the petitioners, there is nothing on record to suggest that the ownership of the alleged vehicle has been ascertained, statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. and the period under custody, let the petitioners above named 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 the learned Special Judge, Excise Act, Patna in connection with Maner P.S. Case No.693 of 2018.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

