

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10073 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- BEN P.S. District- Nalanda

-
1. KIRAN DEVI, W/o Shiv Sharan Prasad, Village-Kutulupur, P.S-Ben, District-Nalanda
 2. Savita Kumari, W/o Dharmendra Kumar @ Chhotu Kumar, Village-Kutulupur, P.S-Ben Distt.-Nalanda.
 3. Shivsharan Prasad @ Shiyasharan Prasad, Son of Late Sohrai Mahto @ Somar Mahto, Village-Kutulupur, P.S-Ben, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 29.12.2018 in a case registered for the offence punishable under Sections 30, 30(a), 35(a)(b),38(1) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the pesticides shop of the petitioners, 1519.860 litres of illicit foreign liquor and 245 litre spirit were recovered.

It is submitted by learned counsel for the petitioners that the said recovery has not been made from the conscious physical possession of the petitioners. It is further submitted



that though petitioner nos. 1 and 2 are not having any criminal antecedent, but petitioner no.3 is accused in one other case arising out of a petty dispute.

Learned APP for the State submits that the recovery has been made from the possession of the petitioners.

Considering the fact that petitioner nos. 1 and 2 are ladies, there is nothing on record to suggest that the seized materials have been sent to the FSL for its chemical examination, 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 Additional Sessions Judge-cum-Special Judge, Excise, Nalanda at Biharsharif, in connection with Ben P.S. Case No. 145 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

