

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12958 of 2019

Arising Out of PS. Case No.-503 Year-2018 Thana- JAYNAGAR District- Madhubani

1. Upendra Yadav, aged about 39 years, Male, Son of Late Uttim Lal Yadav, Resident of Village - Korhiya, P.S.- Jainagar, District - Madhubani.
2. Khanna Mukhiya, aged about 33 years, Male, Son of Gudari Mukhiya, Resident of Village - Korhiya, P.S.- Jainagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 19.12.2018 in a case registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that during patrolling, the informant being a police officer received information that illicit Nepali liquor is being stored, whereupon, the police reached on the spot and on seeing the police, all the persons started fleeing away but on chase being made, one person was apprehended and 319.5 litres of illicit Nepali liquor loaded on a motorcycle was recovered. The apprehended person disclosed his name as



Shailendra Yadav @ Fekan. The apprehended accused also disclosed the name of the petitioners and others.

It is submitted by learned counsel for the petitioners that the recovery cannot be treated from conscious physical possession of the petitioners. Though, petitioner no. 1 is accused in one another case with similar accusation and petitioner no. 2 is not having any criminal antecedent.

Learned APP submits that the apprehended accused named the petitioners.

Considering the fact that co-accused Shailendra Yadav @ Fekhan Yadav, who was apprehended from the spot, has been granted bail vide order dated 13.12.2018 passed in Cr. Misc. No. 73756 of 2018 and the recovery has not been made from conscious physical possession of the petitioners, 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 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Madhubani in connection with Jainagar P.S. Case No. 503 of 2018.

(Dinesh Kumar Singh, J)

DKS/-

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

