

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10063 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhabhua (Kaimur)

-
1. DHARMENDRA KUMAR SONKAR @ DHARMENDRA KUMAR, Son of
Nathuni Sonkar @ Nathuni Khatik, R/o village-Rema Mughalsarai, P.S-
Alinagar, Dist- Chandauli(UP)
 2. Ishwar Chauhan, Son of Shyam Narayan Chauhan, R/o village- Ward No. 10,
Mughalchak , P.S- Alinagar, Distt.- Chandauli (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

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

It is submitted by the learned counsel for the
petitioners that the date of custody is 11.01.2019 but it has
wrongly been recorded as 10.01.2019 in the impugned order.



The petitioner is languishing in custody since 11.01.2019 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 an auto rikshaw, which was driven by the petitioner no.2, Ishwar Chauhan and the petitioner no.1, Dharmendra Kumar Sonkar was found sitting on the passenger seat, 89.340 litres of India made foreign liquor were recovered.

It is submitted by learned counsel from the petitioners that nothing has been recovered from the conscious physical possession of the petitioners and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the fact that the investigation being already concluded, materials on record does not suggest that the ownership of alleged auto rikshaw has been ascertained, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 **Special Judge (Excise), Kaimur at Bhabua**, in connection with **Excise Case No. 26 of 2019**.

(Dinesh Kumar Singh, J)

Deepak/-

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

