

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9059 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- VIJAYEPUR District- Gopalganj

1. Sitaram Musahar, aged about 38 years (Male), S/o Kari Musahar @ Kari Mandal, Resident of Village- Koilasawna, P.S.- Patherwan, District- Kushinagar (U.P.).
2. Ram Kripal Yadav, aged about 24 years (Male), S/o Baleshwar Yadav, Resident of Village- Koilasawna, P.S.- Patherwan, District- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Harendra Prasad
For the Opposite Party/s :	Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 12.10.2018 in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a Bolero vehicle, 336.960 litres of illicit Indian made foreign liquor were recovered. The petitioner no. 1 tried to escape from the scene who was driving the vehicle along with one another person.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the vehicle in question



hence, the recovery cannot be treated from the petitioners and the investigation has already been concluded. 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 recovery has been made from the petitioners.

Considering the period under custody, the actual owner of the alleged vehicle has not been ascertained and the sample of the recovered liquor has not been sent for chemical examination, coupled with the statement made in paragraph 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gopalganj in connection with Bijaipur P.S. Case No. 188 of 2018.

(Dinesh Kumar Singh, J)

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