

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10026 of 2019

Arising Out of PS. Case No.-711 Year-2018 Thana- MASAUDHI District- Patna

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1. Ranjit Bind, Son of Bihari Bind Resident of Village - Nadaul
 2. Mundri Bind, Son of Nageshwar Bind, Resident of Village - Nadaul
 3. Bulla Bind, Son of Birju Bind Resident of Village - Bairamchak Nadaul
 4. Tamatu Bind, Son of Bhalu Bind Resident of Village - Nadaul Bairamchak
 5. Lakshaman Bind, Son of Lalla Bind Resident of Village - Bairamchak Nadaul
 6. Villa Bind, Son of Sharvan Bind Resident of Village - Bairamchak Nadaul, all of them, P.S.-Masaurhi, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a), 37(a), 37(b) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the FIR, is to the effect that 01.10.2018, the informant, being S.I., Masaurhi Police Station, received a secret information that illegal Mahua liquor is being traded in Village Nadaul Mushahari, whereupon raid was laid and one female and four male persons were apprehended. The apprehended male persons were put to Breath Analyzer Test, which was found positive. The apprehended accused persons disclosed the name of 13 persons including the petitioners, who,



on seeing the police personnel, escaped from the scene. Subsequently, from the land near the pond, 39 litres of illicit Mahula liquor and from the shop of co-accused Gulabi Vind, 1 litre of illicit Mahula liquor were recovered.

It is submitted by learned counsel for the petitioners that admittedly the recovery has not been made from the conscious physical possession of the petitioners. The petitioners were not apprehended from the place of seizure. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that on seeing the police personnel, the petitioners escaped from the scene.

Considering the fact that prosecution does not suggest the recovery from the conscious physical possession of the petitioners, 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court, Patna in connection with



Masaurhi P.S. Case No. 711 of 2018, Spl. Case No. 9246 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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