

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10335 of 2019

Arising Out of PS. Case No.-306 Year-2018 Thana- KHAJEKALA District- Patna

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1. SANJAY RAI, Son of Mishri Ray @ Mistri Ray Resident of Mohalla- Gurhatta, P.S.- Khajekalan, District- Patna.
 2. Sanoj Kumar @ Sanoj Paswan, Son of Late Narendra Paswan @ Gajendra Prasad, Resident of Mohalla- Gurhatta, P.S.- Khajekalan, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are languishing in custody since 21.12.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written report dated 29.08.2018 submitted by Kumar Subhash, Singh, A.S.I. to the Station House Officer, Khajekalan Police Station is to the effect that on the same day, at 9.10 P.M., the informant received an information that four accused persons are selling the illicit liquor, whereupon the raid was laid.



Though the accused persons on seeing the police escaped from the scene, but from an open place situated near Neemghat mohalla, 100 litres of illicit mahua liquor were recovered. During investigation, the name of the petitioners sprang up as the persons who were indulged in the business of illicit Mahua liquor.

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 and the petitioners have maliciously been framed in the present case. 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 petitioners escaped from the place of seizure on seeing the police.

Considering the fact that the accusation does not suggest the said recovery from the conscious physical possession of the petitioner and the period under custody, coupled with 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



like amount each to the satisfaction of learned Special Judge,
Excise, Patna in connection with Khajekalan P.S. Case No.
306 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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