

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14311 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

1. Mantu Yadav, Son of Motilal Yadav @ Motilal Singh Resident of Village - Bahrar, P.S.- Sasaram Bahrar, Distt.- Rohtas
2. Manish Yadav, Son of Motilal Yadav @ Motilal Singh Resident of Village - Bahrar, P.S.- Sasaram Bahrar, Distt.- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard learned counsels for the petitioners and the State.

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

The prosecution case is to the effect that from a ditch, 30 litres of country made Mahua liquor were recovered, when it is alleged that the petitioners and other accused persons escaped from the place of seizure.

It is submitted by learned counsel for the petitioners that the recovery has not been made from the conscious physical possession of the petitioners. A statement has been made in



paragraph no.3 of the petition that petition no.1 is not having any criminal antecedent, whereas petitioner no.2 is also made accused in one other case of similar nature of offence.

Learned APP submits that the petitioners are alleged to have escaped from the place of seizure.

Considering the fact that the prosecution case does not suggests that recovery has been made from the conscious physical possession of the petitioners, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 188 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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