

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14995 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- SIKTI District- Araria

1. Ashique Khan @ Md. Ashique Khan, Son of Late Hashib Khan, Resident of Village- Khan Tola Paradiya, P.S.- Sikty, Dist.- Araria.
2. Muntajir Khan, Son of Isreel Khan, Resident of Village- Khan Tola Paradiya, P.S.- Sikty, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 26.12.2019 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 the S.S.B. personnel noticed certain persons entering into the Indian territory from Nepal territory, but after seeing the police party, all the accused



persons started fleeing away from the scene, after throwing some bags, however, on chase being made two persons were apprehended who disclosed their named as Ashique Khan and Muntajir Khan, the petitioners and from the bags thrown by the accused persons, 108.30 litres of illicit Nepali liquor were recovered.

It is submitted by learned counsel for the petitioners that the petitioners are resident of Araria district and as per the prosecution, the alleged 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 the petitioners are not having any criminal antecedent.

It is submitted by the learned APP for the State that the petitioners were apprehended from the place of seizure since they were carrying the illicit Nepali liquor.

Considering the fact that the accusation does not suggest 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 bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of



learned **2nd Addl. Sessions Judge-cum-Special Judge, Araria**
in connection with **Sikty P.S. Case No.09 of 2019** arising out of
Special Case No.110 of 2019.

(Dinesh Kumar Singh, J)

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