

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15734 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- RISIYAP District- Aurangabad

1. MUNNA PASWAN Son of Nanhak Paswan Resident of Village - Budhaul, P.S.- Jagdishpur, District - Bhojpur at Arrah (Bihar)
2. Saroj Kumar Son of Shri Bhagwan Singh Resident of Village - Budhaul, P.S.- Jagdishpur, District - Bhojpur at Arrah (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 13.1.2019 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 from the pick-up van which was being driven by petitioner no. 1, 198 litres of illicit liquor were recovered.

It is submitted by learned counsel for the petitioners that the recovery was made from the pick-up van in question, hence, recovery cannot be treated from the conscious physical possession of the petitioners. Statement has been made in paragraph 3 of the petition that the petitioners are not having



any criminal antecedent and the petitioners have falsely been framed in the present case.

Learned APP submits that the petitioners were in the pick-up van from which recovery of illicit liquor was made.

Considering the fact that the recovery of illicit liquor was not made from the conscious physical possession of the petitioners, statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent and the period under custody, let the petitioners above named 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 the learned Additional Sessions Judge-VII-cum-Special Judge (Excise) Aurangabad, in connection with Risiup P.S. Case No.5 of 2019.

(Dinesh Kumar Singh, J)

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