

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14024 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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1. Mukesh Yadav @ Mukesh Kumar, Son of Yogendra Prasad Yadav, Resident of Village - Simarbanni Dhangara, Ward No.08, P.S.- Bhargama, Distt.- Araria.
 2. Dev Kumar Yadav, Son of Ramanand Yadav, Resident of Village - Goshala, Ward No. 08, P.S.- Janki Nagar, Distt.- Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard leaned counsel for the petitioners and
learned APP for the State.

The petitioners are languishing in custody since 17.01.2019 in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that three persons were found travelling in the car, namely Mukesh Yadav @ Mukesh Kumar (petitioner no.1), Dev Kumar Yadav (petitioner no.2) and co-accused Anuj Kumar and from the vehicle in question, 45 litres Indian Made Foreign Liquor.

It is submitted by learned counsel for the petitioners



that they have no concern with the vehicle in question and they were simply the co-passengers of the alleged intercepted vehicle. A statement to that effect has been made in paragraph no.11 of the petition which reads as follows:-

“11. That the fact is that the petitioners were only co-passengers in the said car and were not aware that liquor is being transported in the said car. It is stated that the petitioners were caught under suspicion and petitioners have no concern with co-accused namely, Anuj Kumar, alleged car and liquor.”

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 recovery has been made from the conscious physical possession of the petitioner and they are named in the FIR.

Considering the fact that neither the prosecution report nor the impugned order suggest that the actual ownership of the alleged vehicle in question has been ascertained, 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 the like



amount each to the satisfaction of learned **2nd Additional Sessions Judge-cum-Special Judge, Araria** in connection with **Special Case No.87 of 2019** arising out of **Excise Case No.03 of 2019**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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