

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15405 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Sanjay Rai, Son of Late Sakaldeep Rai, Resident of Village - Terasiya Diyar, P.S. - Ganga Bridge, District - Vaishali, Bihar
 2. Rishu Kumar @ Shishu Kumar, Son of Parmanand Rai Resident of Village - Mohanpur, P.S.- Raghobpur, District - Vaishali, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioners are languishing in custody since 02.02.2019 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that one Sumo vehicle intercepted in which three persons were travelling including the petitioners and from the 500 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioners that the petitioners are simply passengers of the vehicle and do not aware about the illicit liquor being carried in the vehicle. It



is further submitted that the petitioners have no concern with the vehicle in question, though, statement to that effect has not been made in the petition. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the recovery has been made from the vehicle in question in which the petitioners were also travelling.

Considering the fact that the recovery has been made from the Sumo vehicle and the prosecution has not bother to investigate about the owner of the vehicle in question nor the impugned order suggests as such, coupled with the statement made in paragraph 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 Special Judge, Excise, Patna in connection with Special Case No. 1206 of 2019, arising out of Agamkuan P.R. Case No. 163 of 2019.

(Dinesh Kumar Singh, J)

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