

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15733 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- PHULWARISHARIF District- Patna

1. RAJESH KUMAR Son of Late Rampravesh Choudhary Resident of Village-Mamrezpur, P.S.-Naubatpur, Dist.-Patna
2. Anish Kumar Son of Tulsi Choudhary Resident of Village-Mamrezpur, P.S.-Naubatpur, Dist.-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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 24.1.2019 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 motorcycle of petitioner no. 1, 80 litres of illicit toddy and from the motorcycle of petitioner no. 2, 50 litres of illicit toddy kept in jerrycan were recovered.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been roped in the present case and the recovery has not been made 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.

Learned APP submits that the petitioners were apprehended while carrying illicit toddy.

Considering the nature of recovery, 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 Special Judge, Excise Act, Patna in connection with Phulwarisharif P.S. Case No.85 of 2019.

(Dinesh Kumar Singh, J)

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