

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16772 of 2019

Arising Out of PS. Case No.-144 Year-2018 Thana- AGIAON BAZAR District- Bhojpur

1. Sanyog Mushar Son of Barmhdev Mushar Resident of Village- Pitro, P.S.-
Agiaon Bazar, District- Bhojpur (Ara).
2. Bashist Mushar Son of Barmhdev Mushar Resident of Village- Pitro, P.S.-
Agiaon Bazar, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsels for the petitioners and the
State.

The petitioners are apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that 7 litres of country made Mahua liquor were recovered from about 8-10 steps north to the house of the petitioners.

It is submitted by learned counsel for the petitioners that recovery, as per the seizure list, cannot be treated 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.

Learned APP submits that recovery has been made from north to the house of the petitioners.

Considering the fact that recovery has been from an open area, 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Spl. Judge, Excise Act, Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 144 of 2018, Excise 2371 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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