

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17297 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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1. RAMESH MANDAL, Son of Ram Prasad Mandal, Resident of Village-Telhan Bhuyan Asthan, Police Station- Sadar and District- Darbhanga.
 2. Umesh Madal, Son of Ram Prasad Mandal, Resident of Village-Telhan Bhuyan Asthan, Police Station- Sadar and District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard leaned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 10.02.2019 in a case registered for the offences punishable under Sections 30(a), 32(2), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a bag which was being carried by the petitioners, 15 litres of illicit Nepali liquor were recovered.

It is submitted by learned counsel for the petitioners



that in fact no recovery has been made from the conscious physical possession of the petitioners and only on the basis of suspicion, the petitioners have been roped in the present case. A statement has been made in paragraph no.3 of the petition that petitioner no.1 is not having any criminal antecedent but so far as petitioner no. 2 is concerned, he is accused in one other case apart from the present case under the Excise Act.

Learned APP for the State submits that the recovery has been made from the bag which was being carried by the petitioners.

Considering the quantity of recovery and period under custody, 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 **Additional Sessions Judge Vth-cum-Special Judge (Excise), Darbhanga** in connection with **G.O. Excise Case No.128 of 2019** arising out of **Sadar P.S. Case No.50 of 2019**.

(Dinesh Kumar Singh, J)

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