

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20904 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- KHAJEKALA District- Patna

1. Raju Mahto, Son of Raj Kumar Mahto, Resident of village-Chhaukiya, P.S-Ganga Bridge, District-Vaishali.
2. Kishun Mahto, Son of Sidhu Mahto, Resident of village-Chhaukiya, P.S-Ganga Bridge, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 09.02.2019 in a case registered for the offences punishable under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 432 litres of illicit country made liquor were recovered from an abandoned boat and petitioners were apprehended from the place of seizure.

It is submitted by learned counsel for the petitioners that the petitioners were apprehended merely on the basis of suspicion since the petitioners were fishing near the place of



seizure. 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 petitioners were apprehended from the place of seizure.

Considering the fact that the prosecution report does not suggest that the recovery has been made from the conscious physical possession of the petitioners and statement being 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. 1485 of 2019, arising out of Khajekalan P.S. Case No. 81 of 2019.

(Dinesh Kumar Singh, J)

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