

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20492 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- SOHSARAI District- Nalanda

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1. Manish Kumar, Son of Late Anil Chaudhary, Resident of Village - Lohgani, P.S.- Sohsarai, District - Nalanda
 2. Raj Kumar Yadav @ Chuha, Son of Late Sidheshwar Yadav, Resident of Village - Sohdihi, P.S.- Sohsarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 23.02.2019 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 on 21.02.2019 on a secret information that the petitioners are transporting illicit liquor, a raid was laid and the petitioners were found transporting liquor on a motorcycle when on chase being made, they were apprehended and from their possession, 38 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioners



that the recovery has not been made from the conscious physical possession of the petitioners. Petitioners has no concern with the seized motorcycle. Statement to that effect has been made in paragraph 7 of the petition. It is further submitted that though petitioner no. 2 is accused in two other cases of similar nature but petitioner no. 1 is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the possession of the petitioners.

Considering the fact that neither prosecution report nor does the impugned order suggest that actual ownership of the seized motorcycle has been ascertained by the investigating agency 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 3rd Additional Sessions Judge -cum- Special Judge, Excise, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 34 of 2019.

(Dinesh Kumar Singh, J)

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