

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20483 of 2019**

Arising Out of PS. Case No.-2 Year-2019 Thana- DHOLBAJJA District- Bhagalpur

1. PANKAJ KUMAR, Son of Chunchun Singh, Resident of Village- Kharauva, Gogari, P.S.- Pesraha, District- Khagaria.
2. Kumod Singh, Son of Picho Singh, Resident of Village- Kharauva, Gogari, P.S.- Pesraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Md. Syed Ehteshamuddin

**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 09.01.2019 in a case registered for the offences punishable under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 28 litres of illicit



country made liquor were recovered from an auto rikshaw which was driven by petitioner no.1, Pankaj Kumar and petitioner no.2, Kumud Singh was found sitting in the said auto rikshaw.

It is submitted by learned counsel for the petitioners that petitioner no.1 was simply a driver and petitioner no.2 was passenger of the said auto rikshaw, from where, the recovery has been made and the petitioners had no knowledge about the liquor being kept in the auto rikshaw. It is further submitted that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the auto rikshaw which was driven by petitioner no.1 and petitioner no.2 found sitting in the said auto rikshaw and they are named in the FIR.

Considering the quantity of recovery and period under custody, 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 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 **2nd Additional District & Sessions Judge-cum-Special Judge, Excise, Bhagalpur** in connection



with **Excise Case No.21 of 2019** arising out of **Dhobajja**
(Kadwa) P.S. Case No.02 of 2019.

(Dinesh Kumar Singh, J)

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