

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28475 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- BHAIKAVSHTHAN District- Madhubani

1. KUNDAN SAHNI Son of Binod Sahni Resident of Village-Shahpur, P.S.- Pandaul, District-Madhubani.
2. Dharmesh Sah Son of Jagarnath Sah, Resident of Village-Shahpur, P.S.- Pandaul, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 02-05-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Bhairav Sthan P.S. Case No. 10 of 2019 instituted for the offence under Section(s) 272/273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for petitioners has submitted that as per written report the recovery of foreign liquor totalling 3102.750 litres has been made from the truck. The police also found the owner book of the truck and driving licence which showed that the truck owner was one Dinesh Kumar.

It is alleged in the written report that on seeing the



police party the owner of truck and owner of motorcycle fled away but the truck along with motorcycle and illicit liquor were seized.

Learned counsel for petitioners submits that the police has arrested these petitioners merely on suspicion from Madhubani on 8.2.2019 along with one Amit Kumar Pandey @ Monu Kumar Pandey. Thereafter police recorded confessional statement of petitioner. He further submits that there is no recovery from conscious possession of these petitioners.

Petitioners are in custody since 08.02.2019.

Considering the aforesaid, let the petitioners, above named, 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 the learned Additional District and Sessions Judge-II cum Special Judge (Excise Act), Madhubani in connection with G.R. Case No. 148 of 2019 arising out of Bhairav Sthan P.S. Case No. 10 of 2019 subject to the condition that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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