

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24853 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. MOHAN KUMAR Son of Parasu Ram Rai @ Parashu ram Ray, R/o Village- Andauli @ Andaili, Ward No. 13, P.S.- Parihar, District- Sitamarhi.
 2. Arun Kumar, Son of Nagendra Rai, R/o Village- Sirsiya Bazar @ Sirsia Bazar, Ward No. 8, P.S.- Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are in custody since 10.03.2019 in connection with Case No. C2/114/19 for the offence registered under Sections 30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that purely on suspicion, petitioners were taken into custody alleging that he was carrying Nepali Saufi wine which violates the provision of Bihar Prohibition and Excise Act. It is further submitted that from the seizure list, it is not clear as to how much quantity of wine was seized and in what manner the said



recovery was made from the petitioners. It is further submitted that if any such recovery was made, the same was not from conscious possession of the petitioners and the entire charge is vague and misleading. It is further submitted that the petitioners have already remained in custody for more than one month.

Considering the vague nature of allegations made in the first information report and the seizure list being not distinct and clear, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ADJ II cum-Special Judge, Excise Act, Sitamarhi in connection with Case No. 114 of 2019.

(Anjana Mishra, J)

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