

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28363 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SARAI District- Vaishali

1. PARMANAND RAI Son of Ram Prit Rai Resident of Village - Sheetal Makurhar, P.S.- Sarai, District- Vaishali.
2. Tapan Rai Son of Ram Prit Rai Resident of Village - Sheetal Makurhar, P.S.- Sarai, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sarai P.S. Case No. 05 of 2019, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016..

80.280 liters of foreign liquor is said to have been recovered from the Bathan of the petitioners and petitioners managed to escape which is said to have been kept there by the petitioners.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the



conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. The aforesaid Bathan is located far away from the house of the petitioners and is open place and also owned by several other family members of the petitioners and petitioners had no knowledge about keeping of liquor there by some one, hence no offence under Excise Act is made out against the petitioners. He has no criminal antecedent.

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II- Cum-Special Judge, Excise, Act, Vaishali at Hajipur in connection with Sarai P.S. Case No.05 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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