

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34662 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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1. SURESH MUKHIYA Son of Late Ram Udgar Mukhiya Resident of Village- Mahuliya, Ward No. 01, P.S.- Ladaniya, District- Madhubani.
 2. Durgesh Mukhiya Son of Sri Ram Ratan Mukhiya Resident of Village- Mahuliya, Ward No. 01, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Ranjan

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 20.03.2019 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 the petitioners were found carrying 72 litres of Nepali country made liquor and were subsequently apprehended.

It is submitted by learned counsel for the petitioners that the petitioners have maliciously been framed in the present case and in fact, no recovery has been made from the conscious physical possession of the petitioners. It is further submitted that the petitioners are not having any criminal antecedent.



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

Considering the nature of recovery, the period under custody, coupled with the fact that the petitioners are not having any criminal antecedent, 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 Sessions Judge -II-cum-Special Judge, Excise Act, Madhubani in connection with G.O. Case No. 53 of 2019.

(Dinesh Kumar Singh, J)

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