

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34718 of 2019

Arising Out of PS. Case No.-151 Year-2019 Thana- KOTWALI District- Munger

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1. CHOTU MALIK S/o Tuntun Malik R/o village- Basanti Talab Musahari, P.S.- Kotwali, (Purabsarai O.P.), District- Munger
 2. Manni @ Maniya S/o Mohammad Badrul Hasan R/o village- Basanti Talab Musahari, P.S.- Kotwali, (Purabsarai O.P.), District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 5.04.2019 in a case registered for the offences punishable under Section 30(a) and 32(b) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 86.010 litres of Indian Made Foreign Liquor were recovered near the railway track and the petitioners were found fleeing away from the place of recovery on seeing the police.

It is submitted by learned counsel for the petitioners that only on the basis of suspicion, the accusation has been



levelled and even assuming the accusation to be true, the recovery cannot be treated from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the petitioners were found fleeing away from the place of recovery on seeing the police.

Considering the nature of recovery coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner 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 5th Additional Sessions Judge-cum-Special Judge, Excise Act, Munger in connection with Kotwali P.S. Case No. 151 of 2019.

(Dinesh Kumar Singh, J)

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