

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35243 of 2019

Arising Out of PS. Case No.-221 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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RAMVISHWAS MUKHIYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-05-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 6.4.2019 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 from the possession of the petitioner and co-accused Ashok Kumar, 103.5 litres, Nepali liquor, were recovered while they were crossing the Nepal boarder.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case and the procedure of seizure has not been followed. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made



from the possession of the petitioner.

Considering the nature of recovery, the period under custody, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 the learned Special Judge, Excise Act, Motihari in connection with Motihari Excise P.S. Case No.221 of 2019.

(Dinesh Kumar Singh, J)

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