

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65157 of 2018

Arising Out of PS. Case No.-192 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. Harikishun Yadav and Anr Son of late Ramayan Yadav Residence of Village- Hakam, Police Station- SiwanMufasil, Mahadeva O.P. District- Siwan.
 2. Luxman Sah son of late Ram Sevak Sah Residenceof Village- Aorma, Police Station- SiwanMufasil, District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Sri Rajballabh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 15-04-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 7.2 litres of Indian Made Foreign Liquor were recovered from the room of petitioner no.1 Harikishun Yadav, who is tenant of petitioner no.2, Laxman Sah.

It is submitted by learned counsel for the petitioners that since the recovery has been made from the joint family house, hence, it 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.

It is submitted by learned APP for the State that the recovery from the house is not in dispute.

Since the prosecution report does not clarify that the recovery has been made from whose portion of the house or from whose possession, it is case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, if they surrender within a period of six weeks in connection with Excise Case No.C-III 192/2018, pending before the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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