

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47438 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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1. Mustufa @ Md. Mustafa Son of Md. Dil Mohammad Resident of Village-
Sahua, P.S.- Madhubani Town, District- Madhubani.
 2. Irfan @ Md. Irfan Son of Mustufa @ Md. Mustafa Resident of Village-
Sahua, P.S.- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Madhubani Town P.S. Case No. 143 of 2019 corresponding to
G.R. No. 679 of 2019 registered for the offence under Sections
272, 273 of the Indian Penal Code and 30(a) of Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioners in the first
information report is that the police got a secret information
that the petitioners have brought illicit wine in two vehicles
and the same are being unloaded near the house of the
petitioners the police raided the place of occurrence and saw the



huge quantity of about 356 liters of illicit foreign liquor kept in the vehicles behind the house of the petitioners.

Learned counsel for the petitioners submits that petitioners are innocent and having no criminal antecedent and police raided in the night at about 1:30 A.M. of 03.04.2019. He further submits that from perusal of the seizure list it would be apparent that the illicit liquors have been recovered from the two vehicles standing near behind the house of the petitioners and not from the house and the vehicles belonging to the petitioners. He further submits that the vehicles from where the illicit liquor has allegedly been recovered did not belong to the petitioners.

After having heard learned counsel for the petitioners and taking into consideration the fact that the recovery of illicit liquor has not been made from the premises belonging to the petitioners or the vehicles owned by the petitioner and, as such, I am inclined to enlarge the petitioners on bail. Let the petitioners, above named, in the event of their arrest or surrender before the court below within four weeks from today be enlarged on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special



Judge, Excise Act, Madhubani, in Madhubani Town P.S. Case
No. 143 of 2019 subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Aks/- rahul

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