

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52989 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- SIWAIPATTI District- Muzaffarpur

1. RAM SEVAK RAI Son of Late Nandlal Rai Resident of Village - Kodaria, P.S.- Siwaipatti, District- Muzaffarpur
2. Mukesh Rai @ Mukesh Kumar Rai Son of Ram Sevak Rai Resident of Village - Kodaria, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in a case registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition of Excise Act, 2016.

60 litres of spirit is said to have been recovered from the house of the petitioners and 90 litres of spirit from the bush standing beside the house of the petitioners, which is said to have been kept there by the petitioners.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners. They have



no concern with the seized spirit. House of the petitioners is joint family house and is inhabited by several family members and they had no knowledge of keeping of the spirit in their house. So far as recovery of spirit from the bush is concerned, petitioners have no concern with the aforesaid place of occurrence and said place of occurrence is accessible to all. Petitioners have been languishing in custody since 20.07.2019 and 17.07.2019 respectively.

Having regard to the facts and circumstances of the case, the above named petitioners are directed to be enlarged 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 Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 126 of 2018.

(Prakash Chandra Jaiswal, J)

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