

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52605 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

1. Nargis, Wife of Karim
2. Manzan Perween @ Manzari Perwin D/o Karim
3. Mahenur @ Mahinur D/o Karim
4. Naiyar @ Naiyar Alam Son of Karim
5. Karim Son of Rashid Hasan
all are resident of Village - Sontha Madarsa Tola, P.S.- Kochadhaman, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 353, 224 and 225/34 of the I.P.C. and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 10.860 litres of illicit liquor were recovered from the cattle shed of the petitioners.

It is submitted by learned counsel for the petitioners that admittedly the recovery has been made from an open area, 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.

After going through the case diary, learned APP for the State submits that the recovery has been made from the cattle shed of the petitioners.

Considering the nature of recovery from a cattle shed, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 ADJ-II, cum-Special Judge, Excise, Kishanganj in connection with Kochadhaman P.S. Case No. 75 of 2019 (Special Case No. 105 of 2019), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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