

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62303 of 2019**

Arising Out of PS. Case No.-117 Year-2019 Thana- VIJAYEPUR District- Gopalganj

1. VIJAY MANDAL, Son of Harishchandra Mandal, Resident of Village - Haradiya Musahar Toli, P.s.- Vijaipur, Distt - Gopalganj.
2. Tilesar Mandal @ Tileshwar Mandal, Son of Rajendra Mandal, Resident of Village - Haradiya Musahar Toli, P.s.- Vijaipur, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 22-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 25.07.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act,2016.

It is alleged that the petitioners were found carrying 50 litres of illicit country made liquor by a motorcycle.

It is submitted by learned counsel for the petitioners that the said recovery has not been made from the conscious physical possession of the petitioner and maliciously, the petitioners been roped in the present case. A statement has



been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the said recovery has been made from the possession of the petitioners.

Considering the nature of recovery made and 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge(Excise), Gopalganj in connection with Vijaipur P.S. Case No. 117 of 2019 (G.R. No. 829 of 2019).

(Dinesh Kumar Singh, J)

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