

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62923 of 2019

Arising Out of PS. Case No.-236 Year-2019 Thana- BENIPATTI District- Madhubani

1. AMIT KUMAR, Son of Ashok Mahto @ Ashok Kumar Kushwaha, Resident of Village - Mukhiyapatti, Navtoli, P.S.- Saharghat, Distt.- Madhubani.
2. Harendra Kumar, Son of Devendra Yadav @ Devenedra Ray, Resident of Village - Khoriyapatti, Ward No.17, P.S.- Charaut @ Charauth, Distt.- Sitamarhi.
3. Pramod Kumar, Son of Ram Chhatri Mahto, Resident of Village - Balwa, P.S.- Madhwapur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 20.08.2019 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 police intercepted 3-4 vehicles, but the drivers of the all the vehicles succeeded to flee away from the spot and from the vehicles altogether, 218.7 m.l of Nepal made liquor were recovered.

It is submitted by learned counsel for the petitioner



that admittedly the recovery has not been made from the conscious physical possession of the petitioners. It is further submitted that petitioner no.1 is driver of intercepted Honda City vehicle, whereas petitioner no.s2 and 3 are in no way any connection either with the seized vehicles or with the alleged liquor, but simply on the basis of suspicion, they have been roped in the present case. It is further submitted that a statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent and similarly situated co-accused have been granted bail by a Co-ordinate Bench of this Court vide order dated 14.10.2019, passed in Criminal Miscellaneous No. 62271 of 2019.

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

Considering the fact that similarly situated co-accused have been granted bail, 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 ADJ-II-cum-Special Judge, Excise Act, Madhubani, in connection with Benipatti



P.S. Case 236 of 2019, G.R. No. 1526 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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