

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62334 of 2019

Arising Out of PS. Case No.-214 Year-2019 Thana- NAVINAGAR District- Aurangabad

1. PURUSHOTTAM RAJWAR @ PRUSHOTTAM RAJWAR S/O Sri Shesh Rajwar @ Shesh Rajwar Resident of Village- Tetariya, P.S.- Nabinagar, District- Aurangabad.
2. Niraj Kumar S/O Ramashish Rajwar Resident of Village- Tetariya, P.S.- Nabinagar, District- Aurangabad.
3. Sonu Kumar Rajbanshi S/O panchu Rajbanshi Resident of Village- Tetariya, P.S.- Nabinagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-10-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 27.7.2019 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the informant being the police officer, received information that the petitioners are carrying liquor on a motorcycle. Consequently, a raid was laid when the petitioners were arrested while fleeing away, leaving the motorcycle and from the road side, 58 liters country made liquor were also recovered.

It is submitted by learned counsel for the petitioners that even as per the prosecution case, the recovery has not been



made from the conscious physical possession of the petitioners. Statement has been made in paragraph 10 of the petition that the petitioners have no connection with the alleged recovered motorcycle. Statement has also been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that on secret information raid was laid and the motorcycle was recovered.

Considering the fact that recovery has actually not been made from the conscious physical possession of the petitioners nor the alleged motorcycle has been claimed by any one of them and the period under custody, let the petitioners above named 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 the learned Additional Sessions Judge -VII-cum-Special Judge, Excise, Aurangabad in connection with Nabinagar P.S. Case No. 214 of 2019.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

