

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69322 of 2019

Arising Out of PS. Case No.-378 Year-2019 Thana- BRAHMPUR District- Buxar

1. Kanhaiya Yadav, Son of Nathuni Yadav Resident of Village - Kanshpur, P.S.- Balia (Kotwali), Distt - Balia (U.P.)
2. Munna Yadav, Son of Ramji Yadav, Resident of Village - Pranpur, P.S.- Beyasi, Distt - Balia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey
For the Opposite Party/s : Mrs. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 31.08.2019 in a case registered for the offences punishable under Sections 420,414 and 120B/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a Bolero vehicle, 86.4 litres of Indian Made Foreign Liquor were recovered and from the place of recovery, the petitioners were apprehended. It is further alleged that on the statement of petitioner no.1, Kanhaiya Yadav, from an old hospital, 631.620 litres of Indian Made Foreign Liquor were recovered.



It is submitted by learned counsel for the petitioners that recovery has not been made from the conscious physical possession of the petitioners and the petitioners are not having any concern with the alleged vehicle, though, statement to that effect has not been made in the petition. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners were apprehended from the spot.

Considering the nature of recovery, period under custody and the investigation already being concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Excise, Buxar in connection with Brahmpur (Nainijore) P.S. Case No. 378 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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