

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76307 of 2019

Arising Out of PS. Case No.-314 Year-2019 Thana- GAIGHAT District- Muzaffarpur

1. PAPPU MAHTO Son of Jeebachh Mahto Resident of Village - Loma (Loama), P.S.- Gaighat, Distt - Muzaffarpur.
2. Jarban Kumar Son of Dhayani Kamat @ Dhayani Mahto Resident of Village - Banipatti Behra, P.S.- Benipatti, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 13.09.2019 in connection with Gaighat (O.P Benibad) P.S. Case No. 314/19 corresponding to G.R. No. 1750 of 2019 for the offence registered under Sections 414, 272, 273/34 of the Indian Penal Code and Sections 30 (a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the alleged recoveries were not made from the conscious possession of the petitioners and they are merely a driver and Khalasi of the pick up van. It is further submitted that owner of the pick up



van is one Rambabu Rai and the petitioners were unaware of the fact that the wine was loaded on the pick up van.

Considering the aforesaid facts and circumstances of the case, and that the petitioners have no criminal antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise, Muzuffarpur in connection with Gaighat (O.P. Benibad) P.S. Case No. 314 of 2019 corresponding to G.R. No. 1750 of 2019.

(Anjana Mishra, J)

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