

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81248 of 2019

Arising Out of PS. Case No.-127 Year-2019 Thana- SAHARGHAT District- Madhubani

1. MINTU KUMAR SAH S/o Shatrudhan Sah R/o Village- Basauli, P.S.- Rahika, District- Madhubani.
2. Bhulla Yadav S/o Bikru Roy. R/o Village- Khairmath, P.S.- Jaynagar, District- Madhubani.
3. Lalu Thakur @ Lalu Sharma @ Lal Thakur S/o Hari Narain Sharma R/o Village- Khairmath, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsels for the parties.

The petitioners are languishing in custody since 11.11.2019 in a case registered for the offences punishable under Sections 272,273 and 414 of the I.P.C.,1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from one Scorpio vehicle, 297 litres of Nepali liquor was recovered. The petitioners and others were found sitting in the vehicle in question at the time of recovery.

It is submitted by learned counsel for the petitioners that the petitioners are not the owner of the vehicle in question,



though statement to that effect has not been made in the petition. It is further submitted that the petitioners were simply passengers in the vehicle in question. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the recovery has been made from the vehicle in which the petitioners were found sitting.

Considering the fact that neither the FIR nor the seizure list suggest that the petitioners are the owner of the vehicle in question, statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent 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 -II-cum-Special Judge, Excise, Madhubani in connection with Saharghat P.S. Case No. 127 of 2019.

(Dinesh Kumar Singh, J)

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