

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75142 of 2018

Arising Out of PS. Case No.-267 Year-2018 Thana- BASANTPUR District- Siwan

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1. Nand Lal Nut, Son of Late Tesar Nut,
 2. Narayan Nut, Son of Awadh Nut,
 3. Juganu Nut, Son of Awadh Nut, All are resident of Village- Mudawar, Police Station- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Smt. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned counsels for the petitioners, the informant and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272, 273 and 308 of the Indian Penal Code and Sections 30(a), 34(b) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of A.S.I., Pramod Kumar Singh submitted to SHO, Basantpur Police Station is to the effect that on 10.08.2018 at about 7.00 A.M., the *chowkidar* of the police station informed that certain persons are preparing and selling country made liquor, whereupon a raid was laid and 4 liters of country made liquor



was recovered from the back side of hut of the petitioner no.1, Nand Lal Nut along with a cooking cylinder, a bucket and a plastic bag.

It is submitted by learned counsel for the petitioners that admittedly the recovery has not been made from the conscious possession of the petitioners and only on the basis of suspicion, the accusation has been levelled against the petitioners. It is further submitted that the seizure list does not suggest that liquor was being prepared by the petitioners because the seized articles are day to day house hold use. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery was made from the back of the hut of the petitioner no.1 and the accused persons escaped from the scene.

Considering the quantity of recovery and the accusation does not suggest that the recovery was made from the conscious possession of the petitioners, 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 anticipatory bail, in the event of arrest or surrender before the



learned Court below within a period of 12 weeks from today, 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 **2nd Additional Sessions Judge-cum-Special Judge, Siwan** in connection with **Basantpur P.S. Case No. 267 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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