

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84255 of 2019

Arising Out of PS. Case No.-108 Year-2019 Thana- KARTAHA District- Vaishali

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1. RAKESH KUMAR Son of Lakhindra Rai @ Lakhendra Rai Resident of Village - Maricha Garh @ Maricha Gadh, P.S.- Sarai, District- Vaishali
 2. Sunil Kumar Rai Son of Chandradeep Rai Resident of Village - Maricha Garh @ Maricha Gadh, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are languishing in custody since 10.11.2019 in a case registered for the offence punishable under Sections 272, 273, 414, and 34 of the I.P.C. and Section 30(a) of the Bihar Excise and Prohibition Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that from the two motorcycles, total 80 litres of country made liquor has been recovered. The



petitioners were apprehended along with the drivers of the vehicles in question.

It is submitted by learned counsel for the petitioners that the petitioners have been arrested only on the basis of suspicion and simply they were pillion riders of the said motorcycles. Hence, the said recovery of illicit liquor cannot be treated from the conscious physical possession of the petitioners. A statement has been made in paragraph 7 of the petition that the petitioners have no concern with the alleged motorcycles and the said motorcycles are also not suspected to be stolen one. A further statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioners.

Considering the fact that the said recovery has not been made from the conscious physical possession of the petitioners and 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ-II-



cum-Special Judge (Excise), Vaishali at Hajipur, in connection
with Kartaha P.S. Case No.108 of 2019.

(Dinesh Kumar Singh, J)

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