

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4663 of 2020

Arising Out of PS. Case No.-232 Year-2019 Thana- SUPPI District- Sitamarhi

1. MANTOOS SAH @ MUNTUSH SAH Son of Navalal Sah Resident of Village - Mohani Mandal, P.S.- Suppi, Dist.- Sitamarhi.
2. Jairam Sah Son of Nevalal Sah Resident of Village - Mohani Mandal, P.S.- Suppi, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act, 2018.

The prosecution case is that on secret information that the petitioners and others are indulged in liquor trade, raid was laid and from the lane in between the houses of the petitioners, 16.500 litres of Nepali liquor was recovered.

It is submitted by learned counsel for the petitioners that the recovery cannot be treated from the conscious physical possession of the petitioners as it has been made from an open area. Statement has been made in paragraph 3 of the petition



that the petitioners are not having any criminal antecedent.

Learned APP submits that the liquor was suspected to have been stored by the petitioners.

Considering the fact that recovery has been made from an open area, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ADJ II -cum-Special Judge, Excise Act, Sitamarhi in connection with Suppi P.S. Case No.232 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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