

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11201 of 2020

Arising Out of PS. Case No.-169 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. Amresh Kumar @ Ambresh Kumar Son of Late Mishri Lal Ray @ Mishri Lal Rai Resident of Village- Sadhadambar (Sandhadamber) Near Water Tank, P.S.- Motipur, District- Muzaffarpur.
2. Rajesh Kumar Son of Late Mishri Lal Ray @ Mishri Lal Rai Resident of Village- Sadhadambar (Sandhadamber) Near Water Tank, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Ms. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-02-2020 The petitioners seek bail in connection with Motipur P.S. Case No. 169 of 2019 dated 02.04.2019 instituted for the offence under Sections 30(a), 38(1) (2), 41 (1) of the Bihar Prohibition and Excise Act, 2016.

The petitioners are in custody since 08.01.2020.

It appears that the house of the petitioners was raided on a secret information that there is a storage of liquor in the house. The petitioners are said to have run away but from their house, 25.920 litres of liquor was recovered. Certain amount of liquor has also been recovered from a vehicle.



Learned counsel for the petitioners submits that the house belongs to the joint family and for the recovery of liquor in one of the rooms of the house, all the brothers of the petitioners also have been made accused.

The petitioners cannot, it has been argued, be said to be in constructive possession of the liquor so recovered.

However, regard being had to the period of custody of the petitioners and the nature of accusation, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 169 of 2019.

(Ashutosh Kumar, J)

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