

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77140 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. Moti Tamoli @ Moti Kumar Tamoli Son of Bhagwan Das Tamoli Resident of Village - Machhli Market (Brahamsthan), P.S.- Hisua, District- Nawada
 2. Rahul Tamoli @ Rahul Kumar Son of Sanjay Tamoli Resident of Village - Machhli Market (Brahamsthan), P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-02-2020 Supplementary affidavit has been filed in pursuance to the order dated 17.02.2020 with regard to the statement made in paragraph nos. 7 and 8 of the Criminal Miscellaneous Application.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a) and 56(d) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Sub-Inspector of Excise is to the effect that on Indigo car bearing



Registration No. WB -06-H-4432 two persons were travelling and on seeing the informant, they escaped from the scene and on search being made, 198 litres of Indian Made Foreign Liquor were recovered from the said vehicle.

It is submitted by learned counsel for the petitioners that neither the recovery has been made from conscious physical possession of the petitioners nor the petitioners are owner of the vehicle in question. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioners managed to escape from the scene.

Considering the fact that neither the recovery has been made from the conscious physical possession of the petitioners nor the petitioners are registered owner of the vehicle in question, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Additional Sessions Judge-II -cum- Special Judge,
Nawada in connection with G.O. Case No. 105 of 2019, subject
to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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