

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6173 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- MANSI District- Khagaria

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1. SUMIT KUMAR Son of Yogendra Singh Resident of Village - Amni, P.S.- Mansi, District - Khagaria.
 2. SUDARSHAN KUMAR Son of Amar Singh Resident of Village - Amni, P.S.- Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-04-2022 Heard learned counsel for the parties.

The petitioners pray for bail in a case registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 110 liters of country-made Mahua liquor has been recovered from the bank of Koshi river and petitioners are alleged to have fled away after seeing the police party.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of petitioners. Recovery has been made from the bank of river, which is a public place. Petitioner no. 1 is in custody since 09.12.2021, whereas petitioner no. 2 is in custody since 24.11.2021.



Learned A.P.P. for the State has opposed the bail petition and submitted that both petitioners have criminal antecedent, out of which, petitioner no. 1 is accused in one more case of Excise Act.

Considering the aforesaid facts and circumstances as well as the fact that petitioners have got criminal antecedent and petitioner no. 1 is accused of similar nature of case, I am not inclined to grant bail to the petitioners and same is, accordingly, rejected. However, the learned court below, where the case is pending, is directed to release the petitioners on bail, **after framing of the charge.**

(Prabhat Kumar Singh, J)

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