

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10814 of 2016

Arising Out of PS.Case No. -191 Year- 2002 Thana -SITAMARHI District- SITAMARHI

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Shivnath Mahto @ Shivjee Mahto Son of Late Bahadur Mahto Resident of
village - Ladha, P.S. Kamtaul, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 29-06-2016

Learned counsel for the petitioner submits that the case was lodged in the year 2002, during that period the premises in question was being used as Malkhana of the Excise Department.

I have perused the report of the 1st Additional Sessions Judge, Sitamarhi. There is no reason to disbelieve the statement of the report, but if the petitioner wants to satisfy the Court below that during the year 2000-2002 the premises in question was being used as Malkhana of the Excise Department, he will have liberty to produce the relevant material to show that during the aforesaid period the premises in question from where *ganja* recovered was being used as Malkhana of the Excise Department. The Court below will make inquiry and if it is found

that during the year 2000-2002 the premises in question was being used as Malkhana of the Excise Department only then the petitioner will be entitled to get the benefit of order dated 01.06.2016.

(Shivaji Pandey, J)

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