

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49030 of 2016

Arising Out of PS.Case No. -565 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Md. Khurshid Alam @ Chhotu Son of Md. Khalil Resident of Mohalla
Netajee Gali, Anda Toli, Ward No. 10, P.S. Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 21.09.2016 in connection with Khagaria P.S. Case No. 565 of 2016, registered for offences punishable under Sections 272/273 of the Indian Penal Code and Section 47, 54 and 51 of Bihar Excise (Amendment) Act 2016.

Allegation against the petitioner is of recovery of 66 bottles of country made liquor.

Learned counsel for the petitioner has submitted that as per seizure list, nothing has been recovered from the conscious possession of the petitioner rather the alleged liquor has been recovered from the bush near Security Bandh towards southern



side of Kali temple, in ward no. -19 and the petitioner has been languishing in jail custody since 21.09.2016.

Learned Additional Public Prosecutor, appearing on behalf of the State could not ascertain the fact that the said recovery of country made liquor has been made from the conscious possession of the petitioner.

Having heard both sides and considering the fact that though the recovery of 66 bottles has been made by the police, it has no where come that the said recovery has been made from the conscious possession of the petitioner and also the fact that the petitioner has been in judicial custody since 21.09.2016, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 565 of 2016.

(Vinod Kumar Sinha, J)

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