IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49509 of 2017

Arising Out of PS.Case No. -190 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-NALANDA (BIHARSHARIFF)

Somar Kumar @ Shashi Ranjan Kumar @ Shashi Kumar, S/O Manik Chand Prasad @ Manik Chandra Prasad, R/V- Balwapar, P.S. Ashthawan, District-Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party : Mr. Md. Ashlam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 01.08.2017 in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the police recovered 180 liters of foreign liquor from the straw which was kept in the Khaliyan of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. 180 liters of foreign liquor is said to have been recovered from the straw which was kept in the *Khaliyan* of the petitioner. It is further submitted that no recovery was made from conscious possession of the petitioner nor the petitioner had any knowledge regarding the goods kept in the straw in his *Khaliyan*. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned VIth Additional Sessions Judge-cum-Special Excise Judge, Nalanda at Biharsharif, in connection with Excise Case No. 190C3 Ex/2017.

U.K./-

(Sudhir Singh, J)

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