

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25589 of 2018**

Arising Out of PS.Case No. -177 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-  
BUXAR

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1. Sanny Kumar @ Mash @ Raj Kumar Khushwaha S/o Late  
Ramashanakar Singh, R/o Vill.- Jagdispur, P.S.- Buxar (M), District- Buxar.  
..... Petitioner/s

Versus

1. The State of Bihar ..... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Umeshnand Pandit

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**  
ORAL ORDER

02 02-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the  
offence punishable under Sections 272 & 273 of the Indian Penal  
Code and Section 30 (a) of the Bihar Prohibition and Excise Act,  
2016.

4.500 liters of foreign liquor is said to have been  
recovered from the house of the petitioner and his mother,  
Chhathiya Devi and sister, namely, Biru Kumari were  
apprehended from the said house and on the disclosure made by  
them 470.760 liters of foreign liquor is said to have been  
recovered from the place outside the house of the petitioner. The  
said liquor is said to have been concealed by the petitioner and his  
friend.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery. The house is inhabited by several family members of the family and he had no knowledge of keeping the said liquor in the house. So far as the place outside the house of the petitioner is concerned, the said place is an open land and is accessible to anyone. The petitioner was not apprehended on the spot. The said Chhatiya Devi and Biru Kumari have been granted bail by the learned lower Court. Though one case under the Excise Act is pending against the petitioner but he is on bail in the said case. He has been languishing in custody since 07.03.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Buxar in connection with Excise Case No.177 (O)/2017.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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