

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50209 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -KHANPUR District- SAMASTIPUR

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Chandan Kumar, son of Late Ram Prit Mahto, resident of village- Sobhan
P.S.- Khanpur, Dist.- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party : Mr. S.M. Rahman, APP.

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

ORAL ORDER

02 14-08-2018 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 30 (a), 38 (i)(ii), 41 (i)(ii) and 47 of the Bihar Prohibition and Excise Act, 2016.

15.840 liters of foreign liquor is said to have been recovered from the bank of Gandak river located behind the house of the co-accused Lal Mohmad, which is said to have been kept there by the petitioner and the said Lal Mohmad.

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 or any trade of liquor. The place of recovery is an open place and easily



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accessible to anyone. The identity and genuineness of the source of information has not been mentioned in the self-statement of the informant. He was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 14.07.2018.

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 Additional Sessions Judge-VI-cum-Special Judge Excise Act, Samastipur in connection with Khanpur P.S. Case No.5 of 2018.

(Prakash Chandra Jaiswal, J)

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