

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4701 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Amar Chaudhary aged about 42 years (male), Son of Late Ram Lakhan Chaudhary@ Late Lakhan Chaudhary, Resident of village-Neem Ki Bhati, Gulzarbag, P.S Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-01-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 30.11.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 130 litres of illicit country made liquor has recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that recovery has neither been made from the conscious physical possession of the petitioner nor from the house of the petitioner.

A statement has been made in paragraph no. 3 of the petition that



the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that there is no recovery from the conscious physical possession of the petitioner, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise Act, Patna** in connection with **Special Case No. 11362 of 2018** arising out of **P.R. NO. 130 of 2018**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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