

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6660 of 2019

Arising Out of PS. Case No.-377 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

Rohit Kumar Mishra @ Rohit Mishra, aged about 20 years, Son of Mahendra Kumar Mishra Resident of Village-Bela @ Bella, P.S.- Ara Muffasil, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 25.11.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that on 24.11.2018, at about 7.45 P.M., the informant being the S.H.O., of Ara Muffasil Police Station, received a secret information that two persons are carrying illicit liquor on a motorcycle, whereupon a raid was laid and two persons were apprehended, who disclosed their name as Rohit Kumar, (petitioner) and co-accused Bholu



Pandey. From the dickey of the motorcycle, 34 litres and 507 ML illicit foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from the motorcycle and the said motorcycle does not belong to the petitioner. It is further submitted that similarly situated co-accused, Bholu Pandey has been granted bail by a co-ordinate Bench of this Court vide order dated 30.01.2019, passed in Cr. Misc. No. 5148 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from the motorcycle, by which the petitioner was travelling.

Considering the fact that accusation does not suggest that the recovery has been from the conscious physical possession of the petitioner, coupled with the 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 4th Addl. District and Sessions Judge-cum-Special Judge, Excise, Bhojpur in connection with Excise Case No. 2136 of 2018, arising out of Ara Muffasil P.S. Case



No. 377 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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