

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2386 of 2019

Arising Out of PS. Case No.-117 Year-2018 Thana- BACHHWARA District- Begusarai

Vikash Kumar, Late Ram Pravesh Rai, Resident of Village - Suro, P.S. -
Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
16.10.2018 in a case registered for the offences punishable
under Sections 30 and 32 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case is that 8.640 liters of country
made liquor was recovered from the banana orchard of the
petitioner.

It is submitted by learned counsel for the petitioner
that the alleged recovery was made from an open area behind
the house of the petitioner, so the recovery could not be treated
as recovery from the conscious possession of the petitioner. It is
further submitted that apart from the present case, the
petitioner was indulged in one other case being



Bachhwara P.S. Case No. 130 of 2017 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, in which he is on bail.

It is submitted by the learned APP for the State that the recovery has been made from the petitioner.

Considering the quantity of recovery and period of custody, 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 the learned **Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai** in connection with Bachhwara P.S. Case No.117 of 2018.

Deepak/Rahul/-

(Dinesh Kumar Singh, J)

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