

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7057 of 2019

Arising Out of PS. Case No.-545 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

BIRENDRA YADAV, son of Late Jang Bahadur Yadav, Resident of village-
Chhotpur, Paschim Tola, Police Station-Muffasil District-Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 28.09.2018 in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Aftab Alam, A.S.I., Muffasil P.S., Siwan submitted to the S.H.O., Siwan Muffasil P.S. is to the effect that he received a secret information that the petitioner is concealing illicit liquor in a room of commodity building, namely, Lohiya Bhawan, whereupon, a raid was laid and 172.800 litres of foreign liquor were recovered.

It is submitted by learned counsel for the petitioner



that the recovery was made from a public place, hence it cannot be treated as from the possession 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 petitioner was concealing the seized liquor in the room of Lohiya Bhawan.

Considering the fact that the recovery has been made from a public place, period under custody and the investigation has already been concluded, coupled with the statement has been 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 **2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan** in connection with **Siwan Muffasil P.S. Case No.545 of 2018.**

(Dinesh Kumar Singh, J)

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