

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10341 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- BIHTA District- Patna

RAJ KUMAR SAO @ RAJ KUMAR Son of Sri Chandra Sao Resident of
Village - Pareo, Post – Pareo, P.S.- Bihta, Dist-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 03.01.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on a secret information that country made illicit liquor is being sold, a raid was laid when the petitioner, Raj Kumar Sao and co-accused Prem Chandra Paswan and Dinesh Prasad were apprehended in intoxicating condition. Subsequently, during frisking from a bag, 26 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the



conscious physical possession of the petitioner. It is further submitted that the FIR also does not reflect that the seized material has been sent for its chemical examination to the FSL. 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 quantity of recovery and the period under custody, 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. 77 of 2019, arising out of Bihta P.S. Case No. 10 of 2019.

(Dinesh Kumar Singh, J)

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