

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8710 of 2019**

Arising Out of PS. Case No.-539 Year-2018 Thana- JAYNAGAR District- Madhubani

Vishal Kumar, aged about 35 years (Male), Son of Jivachha Ram, Resident of  
Village - Jogia, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gagan Deo Yadav  
For the Opposite Party/s : Mr.Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      14-02-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since 27.09.2018 in a case registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on a secret information a raid was laid and from the orchard, 910.2 litres of illicit Nepali liquor were recovered when four persons including the petitioner were apprehended from the place of seizure including the petitioner.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the conscious physical possession of the petitioner and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the petitioner was apprehended from the place of seizure.

Considering the accusation which does not suggest the recovery from the possession of the petitioner and the investigation has already been concluded, coupled with the statement made in paragraph 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 Additional Sessions Judge II -cum- Special Judge (Excise), Madhubani in connection with Jainagar P.S. Case No. 539 of 2018.

**(Dinesh Kumar Singh, J)**

DKS/-

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