

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7047 of 2019

Arising Out of PS. Case No.-279 Year-2018 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Santosh Yadav @ Santosh Kumar, S/o Hiralal Yadav, Resident of Village-
Bungalwa Tola, P.S- Laraiyatar Dharhara, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 10.12.2018
in a case registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of Birendra
Manjhi, S.I. of Rail P.S. Bhagalpur, submitted to the Station
House Officer, Rail Police Station, Bhagalpur, is to the effect
that on 09.12.2018, when he was on duty on the platform of the
Railway Station, he saw one person entering into the toilet of
the train with a plastic bag. On search being made, 40 kgs. of
Mahua flower was recovered from the plastic bag which was
kept by the petitioner in the toilet of the train.



It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP for the State that the recovery has been from the plastic bag kept in the train's toilet by the petitioner.

Considering the nature of recovery, 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 **2nd Addl. District and Session Judge-cum-Special Judge Excise Act, Bhagalpur**, in connection with **Bhagalpur Rail (Rail Bhagalpur) P.S. Case No.279 of 2018.**

(Dinesh Kumar Singh, J)

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