

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7996 of 2019

Arising Out of PS. Case No.-761 Year-2018 Thana- ALAMGANJ District- Patna

Chandan Kumar (Male), aged about 18 years, S/o Suresh Ray, Resident of Village - Chhaukia Diyara, P.S. Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kritu Verma

For the Opposite Party/s : Mr. Pancha Nand Pandit

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 23.12.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the recovery of 14 litres of Mahua liquor has been made from the Auto rickshaw driven by co-accused, Vashuki Kumar. The petitioner confessed that he purchased the alleged recovered liquor from Hajipur.

It is submitted by learned counsel for the petitioner that the alleged recovery has not been made from the conscious physical possession of the petitioner rather the recovery has been made from the alleged Auto rickshaw. 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 from the conscious physical possession of the petitioner.

Considering the quantity of recovery and 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 **Alamganj P.S. Case No.761 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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