

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7872 of 2019

Arising Out of PS. Case No.-741 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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ANIL KUMAR, Son of Ramnath Prasad @ Ramnath Chapariya, Resident of
Village - Maghav, P. S. Bhagwanpur, District - Siwan, at present Station
Road, P. S. Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Adv.

For the Opposite Party/s : Smt.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

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

It is alleged that from a hutment situated in front of the
office of the District Board where the petitioner used to run a
hotel, three litres of illicit Nepali liquor were recovered.

It is submitted by learned counsel for the petitioner that at
the time of alleged recovery, the petitioner was not present
there. In fact, the said hutment has no door, hence the recovery
cannot be treated from the conscious 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.

It is submitted by learned APP for the State that the recovery has been made from the hutment of the petitioner.

Considering the quantity of recovery and the nature of place from where the alleged recovery has been made it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Town P.S. Case No. 741 of 2018, pending before the learned Special Judge Excise Act, Muzaffarpur.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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