

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11004 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- PUNAURA District- Sitamarhi

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Amit Kumar, aged about 25 years, Male, Son of Shiv Chandra Sah Resident
of Village- Parari, P.S.-Punaura, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 272, 273 and 34 of
the IPC and Section 30(a) of Bihar Prohibition and Excise Act,
2016.

The prosecution case is that on 25.11.2018, a secret
information was received, whereupon raid was laid in the house
of Ramesh Kumar, from where, 53.400 litres of country made
liquor were recovered. The apprehended co-accused person
suggested the name of the petitioner and further disclosed that
they used to do the business of illicit liquor at the behest of the
petitioner.

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



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 name of the petitioner sprang up on the confessional statement of co-accused, Ramesh Kumar.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner, 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **A.D.J.-II-Special Judge, Excise Act, Sitamarhi** in connection with **Punaure P.S. Case No.11 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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