

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8275 of 2019

Arising Out of PS. Case No.-174 Year-2018 Thana- JHANJHARPUR District- Madhubani

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SANJAY KUMAR MISHRA Son of Sri Vidya Nand Mishra Resident of
Village – Mahrail P.S Rudrapur District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 18.12.2018 (though mentioned in the petition as 18.10.2018) in a case registered for the offences punishable under Sections 272 and 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 1055.790 litres of illicit foreign liquor were recovered from the premises of Bhawani Construction as well as from the Hero Honda motorcycle parked in the premises of the said construction company. The petitioner is one of the partners of the said construction company.

It is submitted by learned counsel for the petitioner that recovery cannot be treated from the conscious physical possession of the petitioner. Statement has been made in



paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the premises of the construction company of which petitioner is one of the partners.

Considering the fact that recovery has been made from the premises of the construction company which partakes more in the nature of public place and the period under custody, the sample of the recovered liquor has not been sent for the chemical examination, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 the learned Special Judge, Excise, Madhubani in connection with Jhanjharpur P.S. Case No.174 of 2018.

(Dinesh Kumar Singh, J)

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