

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8676 of 2019**

Arising Out of PS. Case No.-209 Year-2018 Thana- BHAGWANPUR District- Bhabhua  
(Kaimur)

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ARBIND RAM, Son of Dipnarayan Ram, Resident of Village- Itadhi, P.S.-  
Sonhan, District-Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.  
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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**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  
30.11.2018 in a case registered for the offence punishable under  
Sections 30(a) of the Bihar Prohibition and Excise, Act, 2016.

It is alleged that during vehicle checking by the  
police, one motorcycle was intercepted on which two persons  
were riding, who on seeing the police party, threw a bag and  
escaped from the scene. On frisking, from the recovered bag,  
29.30 litres of illicit foreign liquor were recovered.

It is submitted by learned counsel for the petitioner  
that admittedly the recovery has not been made from the  
conscious physical possession of the petitioner. Since the



alleged intercepted motorcycle was found registered in the name of the petitioner, he has been framed 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.

Learned APP for the State submits that the recovery of illicit liquor was made from the bag which was being carried by the petitioner and the alleged vehicle was found registered in the name of the petitioner.

Considering the fact that the alleged recovery has not been made from the conscious physical possession of the petitioner, quantity of recovery and the 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, Kaimur at Bhabua in connection with Excise Case No. 1034 of 2018, arising out of Bhagwanpur P.S. Case No. 209 of 2018.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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