

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9044 of 2019

Arising Out of PS. Case No.-298 Year-2018 Thana- PIRO District- Bhojpur

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RITESH KUMAR, son of Rudal Sah, Resident of Village-Majhiawan, P.S.-
Piro (Hasanbazar) District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
26.11.2018 in a case registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

It is alleged that two persons were travelling on a
motorcycle while carrying a bag, but on seeing the police, one
of them escaped from the scene, while the other was arrested,
who disclosed his name as Niraj Kumar. The apprehended co-
accused further disclosed the name of the person who escaped
from the scene as Ritesh Kumar, the petitioner. From the
recovered bag, 155.160 litres of illicit foreign liquor were
recovered.

It is submitted by learned counsel for the petitioner



that since the petitioner was not apprehended on spot, hence the said recovery cannot be treated from his possession. It is further submitted that co-accused Niraj Kumar from whom the said recovery has been made has been granted bail by a co-ordinate Bench of this Court vide order dated 10.12.2018 passed in Criminal Miscellaneous No. 70820 of 2018 and the petitioner is accused in one other case of similar nature apart from the present case.

Learned APP for the State submits that the said recovery has been made from the motorcycle of the petitioner.

Considering the fact that co-accused Niraj Kumar from whom the recovery has been made, has been granted bail, 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, Ara in connection with Excise Case No. 1420 of 2018, arising out of Piro (Hasan Bazar) P.S. Case No. 298 of 2018.

(Dinesh Kumar Singh, J)

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