

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11699 of 2019

Arising Out of PS. Case No.-110 Year-2016 Thana- BITHAN BAZAR District- Samastipur

Gango Mukhiya, aged about 61 years, Male, Son of Late Mangal Mukhiya,
Resident of Village Sohma, P.S. Bithan, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-02-2019 Heard both sides.

Petitioner apprehends his arrest in Bithan P.S. Case No.110 of 2016, registered under Section 273 of the Indian Penal Code and under Sections 47(a) & 54 of the Bihar Excise Amendment Act, 2016.

The informant raided a hut situated in the bamboo bush on the allegation that the petitioner and others had kept country made liquor to sell it in the market.

Learned counsel for the petitioner submits that the hut was situated in the bamboo bush and petitioner had no knowledge who had kept country made liquor in the hut. The recovery of country made liquor cannot be deemed to have been recovered from the conscious or actual possession of the petitioner. Similarly situated co-accused Gautam Yadav has



been granted anticipatory bail by order dated 10.07.2017, passed in Cr. Misc. No.23760 of 2017.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged 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 Additional Sessions Judge-6th-cum-Special Judge, Excise, Samastipur in connection with Bithan P.S. Case No.110 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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