

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10027 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- FATEHPUR District- Gaya

Rajesh Yadav, aged about 22 years (M), S/o Sheetal Yadav, Residents of
Village- Tara, P.S.- Fatehpur, (Gurpa- O.P) District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 24.12.2018 in a case registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that a secret information was received that two persons were transporting illicit liquor on motorcycle and they were intercepted. From their possession, 45 litres of country made Mahua liquor were recovered. It is further alleged that the petitioner was just a pillion rider on the motorcycle in question.

It is submitted by learned counsel for the petitioner that the seizure list does not bear the signature of the petitioner



and the FSL report of the seized material has not been obtained.
A statement has been made in paragraph no. 3 of the petition that the petitioner is involved in one other case on which he is on bail.

Learned APP for the State submits that recovery has been made from the conscious physical possession of the petitioner.

Considering the quantity of recovery and period under custody, 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), Gaya** in connection with **Fatehpur(Gurpa) P.S. Case No.398 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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