

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9037 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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BINOD TIWARI @ BINOD KUMAR TIWARI, S/o Late Upendra Tiwari
Resident of Village- Sahladpur, P.S.- Manjhagarh, Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Adv.

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP

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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 22.01.2019 in a case registered for the offence punishable under Section 30(a) of the Prohibition and Excise Act, 2016.

It is alleged that on the secret information, being received, a raid was laid on a sugar cane field and 207.360 litres country made liquor and a motorcycle were recovered. The villagers suggested the name of the petitioner who escaped from the scene.

It is submitted by learned counsel for the petitioner that neither any recovery has been made from the conscious physical possession of the petitioner nor the place of seizure



belongs to the petitioner nor the petitioner has been apprehended from the place of recovery. 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 petitioner escaped from the place of seizure.

Considering the fact that the prosecution case *prima facie* does not suggest the said recovery being made from the conscious physical possession of the petitioner, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gopalganj, in connection with Excise Case No.257 of 2018.

(Dinesh Kumar Singh, J)

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