

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9376 of 2019

Arising Out of PS. Case No.-203 Year-2018 Thana- PATEPUR District- Vaishali

Umesh Ray, aged about 55 years, Male, S/o Late Shivji Ray, R/o village-
Chakmaki @ Chakmirbanki Ward No. -9 Bahuara, P.S.- Patepur, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-02-2019 Heard both sides.

Petitioner apprehends his arrest in Patepur P.S. Case
No.203 of 2018, registered under Section 30(a) of the Bihar
Prohibition and Excise Act.

The police on the basis of the information recovered
69 litres of different brands of Indian made foreign liquor from a
banana orchard situated behind the house of the petitioner. On
the basis of which, the petitioner is made accused.

Learned counsel for the petitioner submits that the
petitioner has no manner of concern with the recovery of the
liquor from banana orchard. Recovery cannot be said to have
been made from the conscious possession of the petitioner.
Petitioner has got no criminal antecedent.



Considering the facts that the recovery was made from the banana orchard situated behind the house of the petitioner and not from the conscious possession of the petitioner, 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-II-cum-Special Court, Excise, Hazipur at Vaishali in connection with Patepur P.S. Case No.203 of 2018., subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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