

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12000 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui *

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Sanjay Kumar Barnwal @ Sanjay Kumar, son of Yogendra Barnwal @
Yogendra Pd. Barnwal, resident of Jawatari, P.S.-Barhat, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
10.01.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The prosecution case is that from the auto rickshaw
on which the petitioner was travelling, 660 kgs of Mahua flower
was recovered, and from a TVS motorcycle, on which two other
co-accused persons were found travelling, 45 kgs of Mahua
flower was recovered.

It is submitted by learned counsel for the petitioner



that the petitioner was simply a passenger in the said auto rickshaw from which the alleged recovery has been made, hence the recovery can not be treated from the conscious physical possession of the petitioner and the said auto rickshaw does not belong to the petitioner. It is further submitted that similarly situated co-accused persons namely, Yogendra Burnwal @ Yogendra Pd. Burnwal and Ajay Kumar Burnwal, have been granted regular bail by Co-ordinate Bench of this Court, vide order dated 19.02.2019, passed in Cr. Misc. No. 9457 of 2019. 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 recovery has been made from the auto rickshaw on which the petitioner is travelling.

Considering the fact that the prosecution case does not suggest that the ownership of the auto rickshaw has been ascertained, similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court, coupled with the 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 **A.D.J.-2nd,**
Jamui in connection with **Case No.05C2 of 2019.**

(Dinesh Kumar Singh, J)

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