

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10085 of 2019

Arising Out of PS. Case No.-426 Year-2018 Thana- DAUDNAGAR District- Aurangabad

Arjun Yadav, aged about 48 years, Male, S/o Late Dwarika Yadav, village-
Purani Seher, Ward No.07, Daudnagar, P.S-Daudnagar, district- aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2019 Heard leaned counsels for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 13.12.2018 in a case registered for the offences punishable under Sections 401 and 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of A.S.I., Pankaj Kumar Singh submitted to SHO, Daudnagar Police Station is to the effect on 12.12.2018 at 1.30 P.M., a secret information was received to the effect that one Chhotu Kumar is selling illicit liquor through a stolen motorcycle,



whereupon, a raid was laid in the house of co-accused Chootu Kumar, from where, 35 bottles of 180 ml each, Indian made foreign liquor were recovered and three persons were apprehended, namely, Chhotu Kumar, Ranjan Kumar and Shrawan Kumar. It is further alleged that on the basis of confessional statement of apprehended co-accused Chhotu Kumar, stolen motorcycle was recovered and another motorcycle was recovered from the house of co-accused Chitranjan Kumar. It is further alleged that the apprehended co-accused persons disclosed that they used to purchase the illicit liquor from the petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner. 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 is named in the FIR.

Considering the fact that materials on record which suggest that no recovery has been 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-VIIIth-cum-Special Judge (Excise), Aurangabad** in connection with **Daudnagar P.S. Case No.426 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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