

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11016 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- BHAGWANPUR District- Bhabhua
(Kaimur)

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KAMLESH YADAV, S/o Sri Harinath Yadav, resident of village-Ramgarh,
P.S-Bhagwanpur, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan, Adv.
For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
09.01.2019 in a case registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

It is alleged that from the under construction house
of the petitioner, 14 litres of illicit Mahua liquor were
recovered.

It is submitted by learned counsel for the petitioner
that the said recovery has not been made from the conscious
physical possession of the petitioner, rather it has been made
from the under construction house of the petitioner. It is



further submitted that though the petitioner is accused in one other case apart from the preset case, but in that case he is on bail.

Learned APP for the State submits that the recovery has been made from the under construction house of the petitioner.

Considering the fact that the recovery has been made from the under construction house, 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 Special Judge (Excise), Kaimur at Bhabua, in connection with Excise Case No.576 of 2018,corresponding to Bhagwanpur P. S. Case No. 110 of 2018.

(Dinesh Kumar Singh, J)

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