

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10301 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- KHAJEKALA District- Patna

Raju Kumar @ Karan Kumar, aged about 20 years, Male, Son of Ram Janam Ray, Resident of Mitan Ghat, Near Masjid, P.S-Khajekalan, Dist.-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 20.11.2018 in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that a secret information was received that two persons are carrying illicit liquor on a motorcylce upon which a scooty was intercepted on which two persons were travelling, out of whom, one person managed to escape from the scene while another person, the petitioner was apprehended. It is further alleged that from one bag which was kept on the scooty, 54 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioner



that there is no recovery from the conscious physical possession of the petitioner and the investigation has already been concluded. 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 recovery has been made from the conscious physical possession of the petitioner.

Considering the fact that investigation has already been concluded and prosecution does not suggest that the actual ownership of the alleged scooty has been ascertained, 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, Patna** in connection with **Special Case No.10469 of 2018 arising out of Khajekalan P.S. Case No.406 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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