

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12935 of 2019**

Arising Out of PS. Case No.-1 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAJU KUMAR S/o Manoj Sahni Resident of village-Manjhaul, Bichkhanna
tola, P.S.-Cheriyabariyarpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
03.01.2019 in a case registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016 and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated on the basis of
written report dated 02.01.2019 submitted by A.S.I., Nirmal
Kumar Singh to the Station House Officer, Majhaul Police
Station is to the effect that after having received a secret
information to the effect that some accused persons having arms



with them are preparing illicit country made liquor, a raid was laid when three persons were apprehended. It is further alleged that on frisking, from the possession of co-accused Sanjay Kumar, a country made rifle and from the possession of co-accused Tipu, the utensils used for preparing of liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly no recovery has not been made 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 was apprehended from the spot where illicit liquors were said to be prepared.

Considering the fact 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-II-cum-Special Judge, Excise Act, Begusarai in



connection with Cheriabariyarpur (Manjhaul) P.S. Case No.1
of 2019.

(Dinesh Kumar Singh, J)

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