

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12941 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- BARHARA District- Bhojpur

Ashok Kumar Yadav, Son of Jai Narayan Yadav, Resident of Village - Janki Bajar, P.S.- Barhara (Krishnagarh), District - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsels for the petitioner and 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.

The prosecution case is that the petitioner and the co-accused Golu Singh were travelling on a motorcycle with two bags and from two bags, 81 litres of I.M.F.L. (Indian Made Foreign Liquor) were recovered.

It is submitted by learned counsel for the petitioner that the seizure list does not bear the signature of the petitioner, hence it can not be treated as seizure from the petitioner. It is further submitted that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated



26.02.2019 passed in Cr. Misc. No.11623 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 submits that the recovery has been made from the conscious physical possession of the petitioner

Considering the fact that the seizure list does bear the signature of the petitioner and similarly situated co-accused has been granted bail by a 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **Special Judge Excise Act, Bhojpur, Ara** in connection with **Excise Case No.54 of 2019** arising out of **Barhara (Krishnagarh) P.S. Case No.13 of 2019**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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