

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12967 of 2019

Arising Out of PS. Case No.-664 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

Bhola Mahto @ Bhola Tanti (Male- 25 Years), Son of Ram Padarath Mahto,
R/o village- Panhas, P.S- Begusarai Town, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Tapeshwar Sharma

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
02.01.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of
Umesh Prasad Singh, S.I. submitted to the Station House
Officer of Lohianagar O.P., Begusarai on 29.11.2017 is to the
effect that during patrolling, three persons were found fleeing
away in a suspicious condition and on chase being made they
were apprehended and they disclosed their name as Rajiv
Kumar, Ravi Kumar and Amit Kumar and on enquiry, they



disclosed the name of the petitioner and from apprehended persons, 61.920 litres of illicit foreign liquor were recovered. One of the apprehended accused person, Ravi Kumar suggested that he was doing liquor business in the partnership with the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious possession of the petitioner and all the three apprehended co-accused persons namely, Rajeev Kumar, Ravi Kumar and Amit Kumar have been granted bail by different Co-ordinate Benches of this Court vide Cr. Misc. Nos. 8725 of 2018 and 9591 of 2018 respectively. It is further submitted that the petitioner is accused in four other cases of similar nature.

Learned APP submits that the apprehended co-accused persons disclosed the name of the petitioner.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and name of the petitioner sprang up on the confession of co-accused Ravi Kumar, 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 Begusarai Town P.S.
Case No. 664 of 2017.

(Dinesh Kumar Singh, J)

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