

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11999 of 2019**

Arising Out of PS. Case No.-865 Year-2018 Thana- KHAJANCHI HAT District- Purnia

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Amit Kumar Singh @ Chhotu, S/o Uma Shankar Singh, Resident of Village-
Parmanandpur P.S.-Muffasil, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
20.12.2018 in a case registered for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of
Mithilesh Kumar, S.I.-cum-S.H.O., K.Hat (Sahayak) P.S. is to



the effect that a secret information was received that one person with illicit liquor, was standing on a tea stall near the bus stand, whereupon, a raid was made, on seeing the police party, the accused persons tried to flee away from the scene, but he was apprehended by the police who disclosed his name as, Amit Kumar Singh @ Chhotu (the petitioner). It is further alleged that from the possession of the petitioner, 61.200 litres of India made illicit foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the 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 found running away from the place of seizure.

Considering the fact that the accusation does not suggest recovery from the conscious physical possession of the petitioner, the investigation already been concluded, coupled with the statement being 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 **2nd Additional Session Judge-cum-Special Judge Excise, Purnea,** in connection with **Special Excise Case No.1130 of 2018** arising out of **K. Hat (Sahyak) P.S. Case No.865 of 2018.**

(Dinesh Kumar Singh, J)

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