

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12934 of 2019

Arising Out of PS. Case No.-81 Year-2018 Thana- ASANWA District- Siwan

DINESH KUMAR SINGH, Son of Vijay Kumar Singh Resident of Village-
Arkapur, Police Station- Asaon, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Rajendra Singh

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 28.11.2018 in a case registered for the offences punishable under Sections 272, 273 and 308 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that the informant being the A.S.I. of police after having received a secret information to the effect that the petitioner Dinesh Kumar Singh along with co-accused Jitendra Kumar Singh are selling liquor from an orchard situated near their house, a raid was laid on 20.07.2018 at 5.30 P.M., though the accused persons on seeing the police succeeded to escape from the scene, but the local chaukidar identified the accused persons who escaped from the scene. Subsequently,



during frisking from the orchard 5.760 litres of Indian-made foreign liquor (IMFL) were recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that though the petitioner is accused in one other case of similar nature.

Learned APP for the State submits that the petitioner succeeded to escape from the place of seizure on arrival of the police.

Considering the fact that the prosecution does not suggest the said recovery from the conscious physical possession of the petitioner and the period under custody, 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, Siwan in connection with Asaon P.S. Case No. 81 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

