

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13320 of 2019**

Arising Out of PS. Case No.-109 Year-2018 Thana- ARA RAIL P.S. District- Bhojpur

MANJEE RAM Son of Late Shivjee Ram, Resident of Village-Shahpur,
Ambedkar Nagar, P.S.-Shahpur, District-Bhojpur. At present residing at-
Shanti Nagar, P.S.-Buxar (Town), District-Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Amarendra Prasad

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
26.12.2018 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 was
standing near the toilet of a compartment of a train where three
bags were kept from which, 45 litres of Indian-made foreign
liquor (IMFL) were recovered.

It is submitted by learned counsel for the petitioner
that the said recovery cannot be treated from the conscious
physical possession of the petitioner and only on the basis of
suspicion, the petitioner has been framed in the present case. 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 standing near the bags from which the said recovery has been made.

Considering the quantity of recovery and the period under custody, 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 Special Judge, Excise Act, Bhojpur at Ara in connection with Excise Case No.2365 of 2018, arising out of Ara Rail P.S. Case No. 109 of 2018.

(Dinesh Kumar Singh, J)

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