

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12399 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- BARUN District- Aurangabad

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Kundan Kumar, Son of Late Kameshwar Singh, Resident of Village -
Kanchanpur, P.S.- Deo, Distt – Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Ashraf Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and the

learned counsel for the State.

The petitioner is languishing in custody since
21.01.2019 in connection with Barun P.S. Case No.18 of 2019
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Prosecution case is that during the raid, 117 litres of
countrymade illicit liquor were recovered from the house of co-
accused, Jitendra Kumar @ Sunil Kumar Singh. The petitioner
and the co-accused were apprehended from the spot.

It is submitted by learned counsel for the petitioner
that the recovery has not been made from the conscious physical
possession of the petitioner. Statement has been made in
paragraph no.3 of the bail application that petitioner is not



having any criminal antecedent.

Keeping in view the fact that the prosecution report does not suggest that the recovery has been made from the conscious physical possession of the petitioner coupled with the fact 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 the learned Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Barun P.S. Case No.18 of 2019.

(Dinesh Kumar Singh, J)

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