

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14320 of 2019

Arising Out of PS. Case No.-650 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Upkar Kumar @ Upkar Mahto @ Upkar Kr., Son of Surendra mahto,
Resident of Village - Sirsia Bazar , Ward No.13, P.S.- Bela Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Opposite Party/s : Mrs. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
25.12.2018 in a case registered for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the petitioner was
intercepted on a bicycle and from his possession, 268.500 litres
of Nepali liquor (Sauji) were recovered.

It is submitted by learned counsel for the petitioner
that seizure list does not suggest recovery from the conscious
physical possession of the petitioner. It is further submitted that
the petitioner is resident of that area. 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 recovery has been made from the conscious physical possession of the petitioner.

Considering the fact that seizure list does not suggest recovery from the conscious physical possession of the petitioner, 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 **Additional District and Sessions Judge-II-cum-Special Excise Act, Sitamarhi** in connection with **Case No.C-2/650 of 2018**.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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