

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14949 of 2019**

Arising Out of PS. Case No.-189 Year-2018 Thana- ROSHANGANJ District- Gaya

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VIJAY BHUIYAN, Son of Kusur Bhuiyan, Resident of Village- Ambakhar @
Ammakhar, P.S.- Roushanganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Adv.

For the Opposite Party/s : Mr.Ahtasham Ali Khan, APP

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

2 12-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 28.12.2018 in a case registered for the offences punishable under Sections 272, 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the possession of the petitioner, 15 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that in fact, no recovery has been made from the conscious physical possession of the petitioner and he has been roped in the present case maliciously. It is further submitted that the FIR also does not suggest that the sample of the seized material has been sent to the FSL for its chemical examination. 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 possession of the petitioner.

Considering the quantity of recovery, the period under custody and in view the fact that there is nothing on record to suggest that the sample of seized material has been transmitted to the FSL for its chemical examination 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, Gaya in connection with Raushanganj P.S. Case No. 189 of 2018.

(Dinesh Kumar Singh, J)

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