

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15378 of 2019

Arising Out of PS. Case No.-580 Year-2018 Thana- BARAUNI District- Begusarai

Chandan Singh @ Gulo Singh @ Guli Singh @ Chandan Kumar @ Chandan Kumar Singh, Son of Daya Kant Singh, At and P.O.- Bihat tola, Khem Karanpur, Ward No. 16, P.S.- Barauni (F.C.I.), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner is languishing in custody since 08.12.2018 in connection with Barauni P.S. Case No.580 of 2018 registered for the offence punishable under Section 30(a) of Bihar Excise Act, 2016.

Prosecution case as per the FIR is that from the area adjacent to cattle shed of the informant, 63 litres of Indian made foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner rather it is made from an open area. It is further submitted that petitioner is not having any criminal



antecedent as assertion made in paragraph no.3 of the bail application.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the recovery has been made from the petitioner.

Considering the nature of accusation which does not suggest that the recovery has been made from 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 enlarged 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, Begusarai in connection with Barauni P.S. Case No.580 of 2018.

(Dinesh Kumar Singh, J)

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