

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14630 of 2019

Arising Out of PS. Case No.-245 Year-2017 Thana- BYPASS District- Patna

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Guddu Kumar, Son of Mahesh Mahto @ Mahesh Prasad, Resident of Village
- Bahari Dhabalpura Chalanipar, P.S.- Bypass, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad

For the Opposite Party/s : Mr. Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
18.01.2019 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 14.40 litres of country
made illicit liquor were recovered from a bush near the house
of the petitioner.

It is submitted by learned counsel for the petitioner
that the alleged recovery can not be treated from the conscious



physical possession of the petitioner. 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 fact that the recovery has been made from the bush near the house of the petitioner, period under custody and 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, Patna** in connection with **Special Case No.7546 of 2017** arising out of **Bypass P.S. Case No.245 of 2017**.

(Dinesh Kumar Singh, J)

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