

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14963 of 2019

Arising Out of PS. Case No.-423 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

SUMAN KUMAR @ SUMAN SINGH Son of Vishun Dev Singh @ Bisho
Singh Resident of Village - Parora, P.S.- Sahebpur Kamal, District - Begusarai
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Ms.Veena Rani Prasad, APP

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
29.12.2018 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 on secret information to
the effect that Anuj Singh has stored illicit liquor in his house, a
raid was laid when two persons were apprehended from the
spot, who disclosed their names as co-accused Anuj Singh and
Suman Kumar, the petitioner. Subsequently, on the disclosure of
apprehended accused persons, 132.99 litres of Indian made
foreign liquor were recovered.

It is submitted by learned counsel for the petitioner
that admittedly the recovery has not been made from the
conscious physical possession of the petitioner, rather the



alleged recovery has been made near the house of co-accused Anuj Singh and the petitioner has been apprehended only on the basis of suspicion. 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 on the confession of the petitioner, Suman Kumar and co-accused Anuj Singh.

Considering the fact that the prosecution case does not suggest the said recovery has been made 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 2nd Additional Sessions Judge-cum-Special Judge (Excise) Act, Begusarai in connection with Sahebpur Kamal P.S. Case No. 423 of 2018.

(Dinesh Kumar Singh, J)

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