

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16760 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- BARBIGHA District- Sheikhpura *

Chhotu @ Balkrishna Kumar, Son of Sri Ramesh Prasad @ Ramesh Singh
Resident of Village- Khojagachhi, P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 08.01.2019 in a case registered for the offences punishable under Sections 272 and 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 1584 litres of Indian made Foreign liquor were recovered from a truck, a car and a motorcycle, when the petitioner was found unloading the liquor from the truck.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. A supplementary affidavit has been filed to the effect that the petitioner has no concern either with any of the



three seized vehicles or the liquor. It is further submitted that recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that apart from present case, the petitioner is also made accused in one other case.

Learned APP submits that the petitioner was found unloading the illicit liquor from the truck and he is named in the F.I.R.

Considering the fact that prosecution has miserably failed to ascertain the ownership of any of the seized vehicles and period under custody, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sheikhpura in connection with Barbigha P.S. Case No. 07 of 2019, Excise Case No. 09 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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