

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14947 of 2019**

Arising Out of PS. Case No.-55 Year-2019 Thana- SITAMARHI District- Sitamarhi

JITENDRA RAI @ JITENDRA YADAV, S/o Bhola Rai, Resident of Village-
Manguraha Tola Mehsaul Ward No.02, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, 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 24.01.2019 in a case registered for the offences punishable under Sections 272 and 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that near the flour mill of the petitioner, 108 litres of Nepali made country made liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from a water tank situated adjacent to the house of the petitioner, hence, it cannot 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 an open place 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 ADJ-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi (Mehsaal) P.S. Case No.55 of 2019.

(Dinesh Kumar Singh, J)

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