

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15386 of 2019

Arising Out of PS. Case No.-413 Year-2018 Thana- MALSALAMI District- Patna

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Bittu Kumar, Son of Arun Chandra Banshi Resident of Village - Nababganj,
P.S.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Bijpuria
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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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
07.12.2018 in connection with Malsalami P.S. Case No.413 of
2018 registered for the offences punishable under Sections
30(a), (b) and (c) of Bihar Prohibition and Excise Act, 2016.

Prosecution case as per the FIR is that the three
persons including the petitioner were apprehended while
consuming illicit liquor and from their joint possession near the
embankment of river, 88 litres of illicit country made 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. It is further submitted that the



petitioner is not having any criminal antecedent. Statement to that effect has been made in paragraph no.2 of the bail application.

Considering the fact that recovery has been made from the embankment of the river, however, prosecution treated the alleged recovery from joint possession of the three persons 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 Special Judge, Excise, Patna in connection with Malsalami P.S. Case No.413 of 2018, Special Case No.11628 of 2018.

(Dinesh Kumar Singh, J)

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