

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21732 of 2019

Arising Out of PS. Case No.-396 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

VIJAY KUMAR Son of Raj Kumar Chaudhary @ Raj Kumar Mahto Resident
of Village-Benta, P.S.- Lahariyasari, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest 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 50 litres of Indian Made Foreign liquor were recovered from the room situated within the Airtel mobile tower premises. Petitioner is the guard of that tower.

It is submitted by learned counsel for the petitioner that the mobile tower in question is located in an open area. The petitioner was not on duty when the alleged recovery of liquor was made, in the circumstances, the recovery cannot be treated from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the



petitioner is not having any criminal antecedent.

Considering the fact that the recovery has been made from a room which, as per the prosecution case, is situated within the mobile tower premises in which the petitioner is alleged to be a security guard, it is a case for consideration of prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks in connection with Laheriyasarai P.S. Case No. 396 of 2018 pending in the Court of the learned ADJ-V-cum-Special Judge, Excise, Darbhanga.

With the aforesaid observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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