

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15792 of 2019

Arising Out of PS. Case No.-90 Year-2019 Thana- PIRBAHOR District- Patna

SONU @ SONU KUMAR Son of Anil Kumar @ Anil Kumar Chaudhary
Resident of Bazar Samiti, Shiv Shakti Nagar, P.S.- Bahadurpur, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Rajiv Nayan (APP 231)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.02.2019 in a case registered for the offences punishable under Section 30(a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that the informant being the A.S.I. of Pirbahore Police Station, on 09.02.2019, during patrolling after having received information from the S.H.O. of the Pirbahore Police Station to the effect that some persons are creating nuisance, laid a raid, when the accused persons, on seeing the police party tried to escape from the scene, but on chase being



made by the police some persons were apprehended. During search, from the shop of the petitioner, 200 litres of toddy were recovered.

It is submitted by learned counsel for the petitioner that the place of seizure does not belong to the petitioner, hence, the said recovery cannot be treated from the conscious physical possession of the petitioner and the seizure list does not bear the signature of the petitioner. It is further submitted that the FIR also does not reflect that the sample of the seized material has been transmitted to the FSL for its chemical examination. 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 shop of the petitioner.

Considering the fact that there is nothing on record to suggest that the sample of seized material has been transmitted to FSL for its chemical examination 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 Special Judge,



Excise Act, Patna in connection with Special Case No. 1500 of
2019, arising out of Pirbahore P.S. Case No. 90 of 2019.

(Dinesh Kumar Singh, J)

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