

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19075 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- BARAUNI District- Begusarai

Ishwar Roy @ Ishwar Mahto, S/o Late Sita Ram Ray, Resident of Village-
Thakurichak, P.S.- Barauni (Garhara), District- Begrsarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information that the petitioner has stored illicit liquor in the dilapidated house of late Rajesh Mahto, raid was laid and from the dilapidated house of Rajesh Mahto, 63 litres of indian made foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that admittedly recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. A



statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that illicit liquor were stored in the house of late Rajesh Mahto at the behest of the petitioner.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, coupled with the 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Barauni (Garhara) P.S. Case No. 08 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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