

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20024 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- MADHAURAH District- Saran

Saheb Ray, Son of Lakshman Ray @ Lakshman Pd. Yadav R/o village-
Bhualpur, P.S.- Marhowrah, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Since learned counsel for the petitioner has some difficulty, on his prayer with the consent of learned counsel for the State, the present application is being taken out of turn.

Heard learned counsels for the petitioner and the State.

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

The prosecution case is that on an information that 15 accused persons including the petitioner have concealed illicit liquor, raid was laid and 200 litres of spirit were recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from an open area, hence, the same cannot be treated from the conscious physical possession of the



petitioner.

Learned APP submits that the seized spirit was concealed by 15 accused persons including the petitioner.

Considering the fact that the recovery has not 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 ADJ-6th, Saran in connection with Marhowrah P.S. Case No.14 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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