

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16166 of 2019

Arising Out of PS. Case No.-295 Year-2018 Thana- MUSAHARI District- Muzaffarpur

ANURAG KUMAR Son of Late Abdesb Prasad Singh @ Awadhesh Prasad Singh Resident of Village - Rohua Rajaram, P.S.- Mushahari, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 20.02.2019 in a case registered for the offences punishable under Sections 272, 273 of the I.P.C. and Section 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on the basis of a secret information received by the informant, being the S.I. of Police Mushahari Police Station to the effect that huge quantity of Indian Made Foreign Liquor has been brought, the raid was laid, but on seeing the police party, the petitioner escaped from the scene. On search being made, from the hut of the petitioner, 119.760 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner



that admittedly the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from a hut which does not belong to the petitioner. A statement to that effect has been made in paragraph no.8 of the petition. 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 petitioner escaped from the scene on seeing the police party.

Considering the fact that the prosecution does not suggest the said recovery has been made from the conscious physical possession of the petitioner 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, Muzaffarpur in connection with Mushahari P.S. Case No. 295 of 2018.

(Dinesh Kumar Singh, J)

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