

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16165 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- DANAPUR District- Patna

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ASHOK KUMAR Son of Shambhu Yadav, Resident of New Tarachak, Back
of Budhwa School, P.S.-Danapur, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Ahtasham Ali Khan

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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
06.02.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of
written report dated 06.02.2019 submitted by Amresh Sharma,
A.S.I to the Station House Officer, Danapur Police Station is to
the effect that during patrolling, the informant after having
received a secret information that Ashok Kumar, the petitioner
used to sell illicit liquor, laid a raid on the house of the petitioner
and the petitioner was apprehended. It is further alleged that



while the petitioner was being brought to the police station, on the way, one Indigo car was intercepted, from which, total 61.920 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, admittedly, the recovery has not been made from the conscious physical possession of the petitioner and the petitioner has no concern with the car in question. 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 seized liquor is alleged to have been transported at the behest of the petitioner.

Considering the fact that the prosecution case 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, Patna in connection with Special Case No. 1331 of
2019, arising out of Danapur P.S. Case No.101 of 2019.

(Dinesh Kumar Singh, J)

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