

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16714 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bhola Kumar @ Bhola Mahto, Son of Ram Padarath Mahto, Resident of
Village - Penhas, P.S.- Nagar (Lohia Nagar), District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
11.01.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the self statement of Lal
Mohan Singh, Inspector -cum- Station House Officer of
Muffasil Police Station, Begusarai dated 27.03.2018, is to the
effect that during patrolling, he received a secret information
that near the brick kiln of Sanjay Singh, the illicit liquor is
being unloaded, whereupon, raid was laid, on seeing the police
party some people fled away from the bus and the tractor. From
the tractor, 567 litres of illicit foreign liquor and from the bus,



2035.8 litres of illicit foreign liquor were recovered. It is alleged that the bus in question was found to be registered in the name of one Binod Yadav.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case. It is further submitted that there is no recovery from the conscious physical possession of the petitioner nor the petitioner was apprehended from the spot.

Learned APP submits that the petitioner was found to have escaped from the scene.

Considering the fact that the FIR does not suggest any recovery from the conscious physical possession of the petitioner and the period under custody, 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 Additional Sessions Judge II -cum- Special Judge (Excise), Begusarai in connection with Begusarai Muffasil P.S. Case No. 147 of 2018.

(Dinesh Kumar Singh, J)

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