

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16737 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- SANDESH District- Bhojpur

Arasad Khan @ Md. Arasad Khan, Son of Akhatar Khan, Resident of Village-
Sandesh, P.S-Sandesh, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Veena Rani Prasad

**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 24.01.2019 in a case registered for the offences punishable under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the house of co-accused Nagendra Choudhary, 30 litres of mahua liquor were recovered where the petitioner was present and arrested.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and the petitioner has falsely been roped in the present case. A statement has been made in paragraph 3 of the petition that the petitioner is not having any



criminal antecedent.

Learned APP submits that the petitioner was arrested from the place of seizure.

Considering the fact that the FIR does not suggest any recovery from the conscious physical possession of the petitioner and a statement being made in paragraph 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, Bhojpur at Ara in connection with Excise Case No. 135 of 2019, arising out of Sandesh P.S. Case No. 21 of 2019.

(Dinesh Kumar Singh, J)

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