

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17371 of 2019

Arising Out of PS. Case No.-369 Year-2018 Thana- DARIYAPUR District- Saran

RAJ KISHORE RAI S/o Kanhai Rai @ Kanhaiya Prasad Yadav, Resident of
Village-Tarwa Mangarpal (Murtaza), P.S-Dariyapur, District-Saran (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 19.02.2019 in a case registered for the offences punishable under Sections 30, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case is that on the bamboo roof of the poultry farm of the petitioner, 1299 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from an open place, hence, it cannot be treated from the conscious physical possession of the petitioner. It is further submitted that though the petitioner is accused in one other case apart from the present case, but in



this case he is on bail.

Learned APP for the State submits that the recovery has been made from the bamboo roof of the poultry farm of the petitioner.

Considering the said recovery from an open place, 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 6th ADJ-cum-Special Judge, Excise, Saran in connection with Dariyapura P.S. Case No.369 of 2018.

(Dinesh Kumar Singh, J)

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