

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17325 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

DHIRAJ KUMAR MISHRA, Son of Chandrakant Mishra, R/o Godaita, P.S.-
Malangwa, District- Sarlahi (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
01.02.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the possession of
the petitioner, 69 litres of illicit Nepali liquor namely, Soufi
were recovered while he was crossing the India-Nepal border.

It is submitted by learned counsel for the petitioner
that neither the prosecution case nor the seizure memo suggest



that actually from where the alleged recovery has been made. It is further submitted that the seizure memo also does not bear the signature of the petitioner. 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 recovery has been made from the possession of the petitioner.

Considering the period under custody, coupled with the 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 **2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi** in connection with **C2-49 of 2019**.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

