

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17329 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- MUSAHARI District- Muzaffarpur

NAVIN KUMAR Son of Vijay Kumar Ray Resident of Village - Dwarika
Nagar, P.S.- Mushahri, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mrs.Asha Devi

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 03.02.2019 in a case registered for the offences punishable under Sections 272, 273 and 414 of the I.P.C. and Sections 30(a),36 and 38 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from a Wagon-R vehicle parked in front of the house of the petitioner and from a motorcycle parked behind the house of the petitioner, total 27 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the said recovery cannot be treated from the conscious physical possession of the petitioner and the petitioner is neither the owner of the alleged Wagon-R vehicle nor the owner of the



said motorcycle. A statement to that effect has been made in paragraph no. 10 of the petition. It is further submitted that apart from the present case, the petitioner is accused in three other cases.

Learned APP for the State submits that the recovery has been made from the vehicles which were parked in front and in back of the house of the petitioner.

Considering the fact that there is nothing on record to suggest that the said recovery was made from the conscious physical possession of the petitioner and the prosecution case further does not suggest whether the alleged vehicles belong to the petitioner, 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, Muzaffarpur in connection with Mushahari P.S. Case No. 34 of 2019.

(Dinesh Kumar Singh, J)

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