

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16184 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- PUNAURA District- Sitamarhi

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AMOD YADAV Son of Harishandra Rai @ Harichandra Ray Resident of
Village - Punaura, P.S.- Punaura, District - Sitamarhi, District - Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 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 offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that the
informant, being the A.S.I.-cum-S.H.O., Punaura Police Station
on 23.01.2019, after having received a secret information to the
effect that Amod Yadav, the petitioner and co-accused, Pramod
Yadav are selling illicit liquor, laid a raid, but on seeing the
police party, two persons started fleeing away from the scene,
but on chase being made by the police, though one accused
person succeeded to flee away from the place of occurrence, but one
was apprehended, who disclosed his name as Pramod Yadav, the
petitioner. Subsequently, on his disclosures, 104.700 litres of Nepali



country made liquor, known as 'Sauhi' were recovered near a pond.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from an open place. 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 on disclosure of the petitioner.

Considering the fact that the seizure list does not suggest the specific place from which the alleged recovery has been made, coupled with 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Punaura P.S. Case No.7 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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