

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16231 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- KASIMBAZAR District- Munger

Manoj Yadav @ Manta Yadav, Son of Sudhakar Yadav @ Sudho, R/o
Village/Mohalla- Nav Tolia (Bindwara), P.S.- Kasim Bazar, District- Munger
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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 03.02.2019 in a case registered for the offences punishable under Sections 30(a) and 32 of Bihar Prohibition and Excise Act, 2016.

It is alleged that from a Wagon-R car, 63 litres of illiict Indian Made Foreign Liquor were recovered when three persons escaped from the scene.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. The petitioner is neither the owner of the vehicle in question nor he has any concern with the recovered liquor, statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-



“That petitioner is neither owner of the alleged vehicle having Registration No. WB-16H 9796 (Wagon R) nor he has any concern with the recovered liquor.”

It is further submitted that only on the basis of suspicion, the petitioner has 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 recovery of illicit liquor was made from the alleged vehicle and petitioner escaped from the scene.

Considering the quantity of recovery and the fact that the recovery has not been made from the physical conscious possession of the petitioner, coupled with the statement 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 Additional Sessions Judge-V cum Special Judge, Excise Act, Munger in connection with Kasim Bazar P.S. Case No. 22 of 2019.

(Dinesh Kumar Singh, J)

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