

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17363 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- RAGHOPUR District- Supaul *

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BABLU CHOUDHARY Son of Satya Narayan Choudhary Resident of
Village - Sukhasan, P.S.- Kishanpur, Distt - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Arbind Kumar Pandey(App84)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 27.1.2019 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 on 25.1.2019, the informant Amrit Lal Paswan, ASI of Police received an information from the SHO, Raghapur Police Station about trafficking of illicit liquor whereupon, a raid was laid on 26.1.2019 at 2.30 P.M., but on seeing the police party some persons escaped from the spot, however, one person was apprehended from the spot who disclosed his name as Bablu Choudhary, (the petitioner). It is alleged that from a cotton bag, 385 literes 800 ml of Nepali liquor were recovered. The petitioner further disclosed that the said liquor was to be transported from the vehicle of his paternal brother.



It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made at the instance of the petitioner.

Considering the fact that no recovery has been made from the conscious physical possession of the petitioner, statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period under custody, let the petitioner above named 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 the learned Additional District and Sessions Judge-2nd-cum-Special Judge Excise, Supaul in connection with Raghapur P.S. Case No.21 of 2019.

(Dinesh Kumar Singh, J)

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