

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16798 of 2019**

Arising Out of PS. Case No.-54 Year-2019 Thana- PATNA CITY CHOWK District- Patna

BHOLA RAI Son of Mishraraj Rai Resident of Village-Kaimasikoh, Bans
Bazar, P.S-Chowk, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar

For the Opposite Party/s : Ms.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
06.02.2019 in a case registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 50 litres of country made illicit
liquor were recovered near a drainage which is situated adjacent
to the house of the petitioner.

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. 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 adjacent to the house of the petitioner.

Considering the fact that the seizure list does not suggest the recovery from the conscious physical possession of the petitioner, the period under custody 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 Special Judge, Excise Act, Patna in connection with Special Case No. 1351 of 2019, arising out of Chauk P.S. Case No. 54 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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

