

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17420 of 2019**

Arising Out of PS. Case No.-447 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Dipak Kumar Yadav @ Deepak Kumar Yadav @ Dipak Kr. Yadav @ Deepak
Kr. Yadav, Son of Birju Yadav @ Virendra Yadav, Resident of Village-
Kiratpur, P.S.- Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate

Mr. Rohit Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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

2 01-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
16.02.2019 in a case registered for the offences punishable
under Sections 30(a), 30(2) (3) and 41 of the Bihar Prohibition
and Excise Act, 2016.

It is alleged that from an auto rickshaw, 132.48 litres
of illicit Indian Made Foreign Liquor were recovered, which
was being driven by the co-accused Chandan Rai, who disclosed
the name of the petitioner.

It is submitted by learned counsel for the petitioner
that the recovery has not been made from the conscious physical



possession of the petitioner rather the same has been made from the auto rickshaw. 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 petitioner's name sprang up on the confession of the apprehended co-accused, Chandan Rai.

Considering the fact that neither the petitioner apprehended from the spot nor any recovery has been made from the conscious physical 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 Vth -cum- Special Judge (Excise Act), Darbhanga in connection with Darbhanga Sadar (Sonki O.P.) P.S. Case No. 447 of 2018/G.O. Case No. 1005 of 2018.

(Dinesh Kumar Singh, J)

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