

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17305 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- GARDANIBAG District- Patna

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SAMEER KUMAR @ SAMEER @ CHANDAN KUMAR @ CHANDAN
KUMAR SINGH, Son of Chandra Shekhar Singh, Resident of Village -
Quarter No.7 (D), Road No.09, P.s.- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalit Narayan Jha

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 15.02.2019 in a case registered for the offences punishable under Sections 30(a), 38(i) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of Indrajeet Kumar being S.I. of Gardanibagh P.S., Patna is to the effect that on 30.07.2018, the informant received a secret information that the petitioner along with his associates is purchasing and selling illicit Indian Made Foreign Liquor in



Quarter No. 7C and 7D of the Postal Department. Consequently, a raid was laid and from different rooms of Quarter No. 7C, 1233 litres Indian Made Foreign Liquor and from a Car parked in the campus, 127.5 litres of Indian Made Foreign Liquor were recovered and from Quarter No.7D, 750 ml. of Indian Made Foreign Liquor, cash of Rs.53,000/- and a mobile phone have been recovered. It is also alleged that co-accused Chandra Shekhar Singh and Rajnish Kumar confessed that they along with the petitioner are indulged in business of purchase and sell of illicit liquor. The Quarter No. 7D is allotted to the father of the petitioner, being employed in the Postal Department.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner. From the quarter of the father of the petitioner, only 750 ml illicit liquor has been recovered and considering the same, father of the petitioner, Chandra Shekhar Singh has been granted bail by a Co-ordinate Bench of this Court, vide order dated 06.10.2018, passed in Cr. Misc. No. 59185 of 2018, whereas, co-accused Rajnish Kumar has been granted bail by a co-ordinate Bench of this Court, vide order dated 20.09.2018, passed in Cr. Misc. No. 57194 of 2018. However, maliciously recovery from Quarter No. 7C has been



shown against the petitioner, which is allotted to some other employee of the Postal Department. 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 from the quarter of the petitioner and the petitioner is named in the FIR.

Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner, co-accused persons have been granted bail by different Co-ordinate Benches of this Court, coupled with the 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 **Spl. Judge, Excise, Patna** in connection with **Special Case No. 7070 of 2018** arising out of **Gardanibagh P.S. Case No.309 of 2018**.

(Dinesh Kumar Singh, J)

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