

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18389 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- DARPA District- East Champaran

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DHRUB SINGH @ DHRUV SINGH @ DHRUP SINGH Son of Lakhan
Singh R/o village- Tinkoni, P.S.- Darpa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Ahtasham Ali Khan

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

2 29-03-2019 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 272, 273 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from an open land
situated in front of the hutment of the petitioner, 33.6 litres of
Nepali country made liquor were recovered.

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, rather it has
been recovered from an open place. 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 an open place adjacent to the hutment of the petitioner.

Considering the fact that the prosecution report does not suggest the recovery from the conscious physical possession of the petitioner 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, Motihari, East Champaran in connection with Darpa P.S. Case No.12 of 2019.

(Dinesh Kumar Singh, J)

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