

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19096 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- BIBHUTIPUR District- Samastipur

SUBHAM KUMAR @ MONU SINGH @ MANNU MONU, Son of Late
Sita Ram Singh, Resident of Village - Patailiya, Ward No.10, P.s.- Bibhutipur,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

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
28.01.2019 in a case registered for the offences punishable
under Sections 30(a) and 47 of the Bihar Excise and Prohibition
Act, 2016.

The prosecution case as per the written report of
Arvind Kumar Singh, A.S.I. of Bibhutipur P.S. submitted to the
S.H.O., Bibhutipur P.S. is to the effect that on 15.09.2018,
during patrolling, a person was intercepted who was fleeing
away from bamboo orchard after seeing the police party. It is
further alleged that from the bamboo orchard, 14.800 litres of



Indian Made Foreign Liquor were recovered. The name of the petitioner sprang up on the statement of local chaukidar as the person who managed to escape from the scene.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases of the same nature.

Learned APP for the State submits that the petitioner was found escaping from the place of seizure.

Considering the fact that the prosecution case does not suggest any recovery from the conscious physical possession of the petitioner, 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-III-cum-Special Judge (Excise), Samastipur**, in connection with **Bibhutipur P.S. Case No.263 of 2018.**

(Dinesh Kumar Singh, J)

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