

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21778 of 2019

Arising Out of PS. Case No.-201 Year-2017 Thana- BAHADURPUR District- Darbhanga

Manoj Paswan Son of Late Jagdeo Paswan Resident of Village/ Mohallah-
Taralahi, Ward No.1, P.S.- Bahadurpur, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 64 litres of Indian Made Foreign Liquor were recovered from the under construction house of the petitioner.

It is submitted by learned counsel for the petitioner that recovery cannot be treated from the conscious physical possession of the petitioner, as the recovery has been made from the under construction house without any door where several labourers were working. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP submits that the recovery has been made from the under construction house of the petitioner.

Considering the fact that recovery has been made from the under construction house of the petitioner, 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge, V-cum-Special Judge (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 201 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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