

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20056 of 2019**

Arising Out of PS. Case No.-247 Year-2018 Thana- RAJPUR District- Buxar

Surendra Rajbhar @ Surendra Prasad, Son of late Kalika Rajbhar, Resident of Village - Harpur, P.S.- Rajpur, Distt - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar Singh, Advocate Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s	:	Mr.Nityanand, APP

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

2 02-04-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 31.01.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that from the dilapidated house of the petitioner, 8.640 litres of illicit country made liquor were recovered.

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 it has been made from the dilapidated house of the petitioner and 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 recovery has been made from the dilapidated house of the petitioner.

Considering the fact that the prosecution report suggests that the house of the petitioner was found inhabitable and statement being 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-II -cum- Special Judge, Excise Act, Buxar in connection with Rajpur P.S. Case No. 247 of 2018.

(Dinesh Kumar Singh, J)

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