

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76769 of 2018

Arising Out of PS. Case No.-619 Year-2018 Thana- AGAMKUAN District- Patna

Chandeshwar Manjhi Son of Sitaram Manjhi Resident of Mohalla-Naya
Tola,Kumhrar,Police Station Agamkuan and Distt.-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2

For the Opposite Party/s : Mr.Sri Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 26.8.2018 in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from an auto rickshaw in which the petitioner was travelling, 50 litres country made illicit liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was simply a passenger of the alleged auto rickshaw, and the recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that the said auto rickshaw does not belong to the petitioner. 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 of illicit liquor was made from the auto rickshaw in which the petitioner was travelling.

Considering the quantity of recovery, the period under custody and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 the learned Special Judge, Excise Act, Patna in connection with Agamkuan P.S. Case No.619 of 2018.

(Dinesh Kumar Singh, J)

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