

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21071 of 2019

Arising Out of PS. Case No.-388 Year-2018 Thana- MAHNAR District- Vaishali

RAJA CHAUDHARY Son of Late Umesh Chaudhary Resident of Village -
Nayatola, Islampur, P.S.- Mahnar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Ahtasham Ali Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest 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 13 litres of country made liquor were recovered from the vacant land adjacent to the house of the petitioner.

It is submitted by learned counsel for the petitioner that the land in question does not belong to the petitioner. Admittedly, the recovery has been made from an open place, hence, the said recovery cannot be treated from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

It is submitted by learned APP for the State that the said recovery has been made from the adjacent vacant land of the house of the petitioner.

Considering the fact that the prosecution report does not suggest the said 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Session Judge, Vaishali at Hajipur, in connection with Mahnar P.S. Case No.388 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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