

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34848 of 2019**

Arising Out of PS. Case No.-53 Year-2019 Thana- HATHAURI District- Muzaffarpur

Pankaj Rai, Son of Lalbabu Ray, Resident of Village Muradpur, Kashi P.S.-
Bochaha, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mrs. Asha Kumari

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

2 28-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.04.2019 in a case registered for the offences punishable under Sections 272, 273, 328, 308 of the Indian Penal Code and Sections 30(a), 38(1)(2) of Bihar Prohibition and Excise Act, 2016.

It is alleged that 130.5 litres of illicit Indian Made Foreign Liquor were recovered from a maize field.

It is submitted by learned counsel for the petitioner that the maize field does not belong to 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 petitioner is named in



the FIR.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the nature of recovery, coupled with the statement 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 Special Judge, Excise Act, Muzaffarpur in connection with Hathauri P.S. Case No. 53 of 2019.

(Dinesh Kumar Singh, J)

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