

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34176 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SITAMARHI District- Sitamarhi

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PANKAJ YADAVA @ PANKAJ KUMAR Son of Bishnu Dayal Rai @
Bishnu Dayal Sah Resident of Village-Riga Road near Sri Ram Hall, P.S.-
Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mrs .Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
13.04.2019 in a case registered for the offence punishable under
Sections 272 and 273 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

It is alleged that from the house of the petitioner,
91.380 litres of Indian Made Foreign Liquor as well as Nepali
liquor were recovered.

It is submitted by learned counsel for the petitioner
that the said recovery has been made from the joint family
house of the petitioner, hence, it cannot be treated from the
conscious physical possession of the petitioner and moreover,
the petitioner was not present at the place of seizure at the time



of alleged recovery. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the house of the petitioner.

Considering the fact that the recovery has been made from the joint family house of the petitioner, the period under custody 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise, Sitamarhi, in connection with Sitamarhi P.S. Case No.06 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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