

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35254 of 2019

Arising Out of PS. Case No.-162 Year-2019 Thana- BRAHMPUR District- Buxar

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DHIRENDRA BIND Son of Ram Chandra Bin @ Ram Chandra Bind
Resident of Village - Bhariyar, P.S.- Brahampur (Chakki O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-05-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 10.4.2019 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 13.08 litres of country made liquor was recovered from a motorcycle driven by the petitioner.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner and the petitioner has maliciously been framed in the present case. The petitioner is accused in one other case registered under the provisions of the Excise Act.

Learned APP submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the recovery has not been



made from the conscious physical possession of the petitioner,
nature of recovery and the period under custody, 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, Buxar in connection with Brahampur (Chakki OP) P.S.
Case No.162 of 2019.

(Dinesh Kumar Singh, J)

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