

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35215 of 2019**

Arising Out of PS. Case No.-173 Year-2019 Thana- MOTIPUR District- Muzaffarpur

NARESH RAI, Son of Nandu Ria Resident of Village - Bhawanidih, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Choubey Jawahar

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

2 29-05-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 10.04.2019 in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a), 38(1), 41(1) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 35 litres of spirit were recovered from the shop of the petitioner.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been roped in the present case and the recovery has not been made 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.



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

Considering the nature of recovery and period under custody, coupled with the 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 173 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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