

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35244 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- ARA MUFFSIL District- Bhojpur

INDAL SAH S/o Late Somaru Sah R/o Village- Karari, P.S.- Ara Muffasil, District- Bhojpur

... .. Petitioner/s

THE	STATE	Versus OF	BIHAR
			... Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Brajesh Prasad Gupta
For the Opposite Party/s :	Mr.Ram Bilash Roy Raman

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 17.4.2019 in a case registered for the offences punishable under Sections 272 and 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 1.5 litres of Indian Made Foreign liquor were recovered from the possession of the petitioner and 31 litres of country made illicit liquor were recovered from the mango orchard. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the petitioner that the recovery has been made from an open area, hence the recovery cannot be treated from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery of illicit liquor has



been made from the possession of the petitioner.

Considering the nature of recovery, the period in custody, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 Additional Sessions Judge -IV-cum-Special Judge, Excise Act, Bhojpur at Ara in connection with Ara Mufassil P.S. Case No.114 of 2019.

(Dinesh Kumar Singh, J)

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