

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39075 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- SAHIYARA District- Sitamarhi

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ARUN PASWAN, age about 35 years, Gender Male, Son of Late Partap
Paswan Resident of Village- Manria, P.S.- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-06-2019 Heard both sides.

The petitioner apprehends his arrest in Sahiyara P.S.

Case No.35 of 2019 registered under Sections 188, 272, 273 of
the Indian Penal Code and under Section 30(a) of Bihar
Prohibition and Excise Act.

The police on secret information went to raid the
house of the petitioner but seeing the police, two persons started
fleeing away. One person namely, Vikram Kumar Singh was
apprehended and petitioner was managed to flee away. The
police recovered 99 pouches of nepali liquor from a field
situated in front of the house of the petitioner and for that, the
petitioner has also been made accused in the case.

The learned counsel for the petitioner submits that
recovery is made from an open field and there is no evidence



that it was petitioner who had kept the liquor in the open field, therefore, it cannot be said that the recovery was made either from conscious or constructive possession of the petitioner. Petitioner has got no criminal antecedent.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 2nd-cum-Special Judge, Sitamarhi in connection with Sahiyara P.S. Case No.35 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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