

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52980 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- BHORE District- Gopalganj

MANIR AHMAD @ BHOLA AHMAD Son of Jalil Mian @ Jalil Resident of
Village - Motipur Eragi, P.S.- Bhorey, Dist.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a), 35, 38 of the Bihar
Prohibition and Excise Act, 2016.

211 litres of foreign liquor kept in the plastic bag is
said to have been recovered from near the boundary wall of the
house of the petitioner and the petitioner and his family
members were found absent from the house.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern either with the seized liquor or with any trade of liquor.
As a matter of fact petitioner and his family members had gone



to some relative in the meantime police carried out raid in the locality and some miscreants keeping the liquor in the plastic bag dropped inside the boundary wall of the petitioner which is open to sky and the petitioner had no knowledge of keeping of liquor there. Petitioner and his family members were not present in the house and the house was closed but police raided the house without search warrant in utter violation of provision of law. Petitioner has no criminal antecedent and has been languishing in custody since 11.07.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Bhore P.S. Case No.96/2019 G.R. No.428/2019.

(Prakash Chandra Jaiswal, J)

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