

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62755 of 2019**

Arising Out of PS. Case No.-221 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

MUNNA SINGH S/o Bhukhan Singh R/o village- Asani, P.S.- Udwantnagar,
District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

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

3 25-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 23.08.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that from the from the embankment of a river, 80 litres of mahua liquor and 20000 kgs of fermented mahua were recovered, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation.

It is submitted by learned counsel for the petitioner that admittedly the said recovery has been made from an open area, hence, it cannot be treated from the conscious physical



possession of the petitioner. It is further submitted that though the petitioner is accused in one other case of similar nature apart from the present case, but in this case he is on bail.

Learned APP for the State submits that the petitioner was found fleeing away from the place of seizure on seeing the police.

Considering the alleged recovery from an open area, let the above named petitioner 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 learned ADJ-II-cum-Special Judge (Excise), Bhojpur at Ara, in connection with Udwanthnagar P.S. Case No. 221 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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