

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61384 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- KHAJAULI District- Madhubani

TETAR MAHTO Son of Late Yadunandan Mahto Resident of Village -
Datuar, P.S.- Khajauli, Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-10-2019 Heard both sides.

The petitioner apprehends his arrest in Khajauli P.S.
Case No.120 of 2019 registered under Sections 272, 273 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition and
Excise Act.

The learned counsel for the petitioner submits that
recovery was made from the bush and the petitioner has been
made accused only because the petitioner was selling eggs at
some place situated near the bush. Petitioner has been made
accused on mere presumption of the police officer that since
petitioner was selling eggs at some distance from the bush from
where small quantity of liquor was recovered but nothing has
been recovered from the conscious possession of the petitioner.

Taking into consideration the fact that nothing has



been recovered from the conscious possession of the petitioner rather recovery was made from the bush, 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 Addl. Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Khajauli P.S. Case No.120 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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