

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62424 of 2019**

Arising Out of PS. Case No.-60 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

MUKESH THAKUR @ CHHOTU THAKUR Son of Krishna Thakur
Resident of Village - Parsauni Raishi, P.S.- Sahebganj, District - Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barun Kumar Choudhary

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

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

2 23-10-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 23.8.2019 in a case registered for the offences punishable under Sections 272 and 273 of the I.P.C. and Sections 30(a),36 and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on the basis of secret information that the petitioner has stored huge quantity of liquor in the cattle shed of co-accused Ram Udar Thakur. Consequently, a raid was laid and 534.000 litres Indian Made Foreign Liquor was recovered.

It is submitted by learned counsel for the petitioner that neither the recovery has been made from the conscious physical possession of petitioner nor the petitioner was present on the place of seizure though he is accused in one other case under the Excise Act.

Learned APP submits that the alleged liquor was stored by



the petitioner in the cattle shed of Ram Udar Thakur.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner and the period under custody, 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 Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj P.S. Case No.60 of 2019.

(Dinesh Kumar Singh, J)

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