

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62435 of 2019

Arising Out of PS. Case No.-187 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Chandan Pandey, S/o Krishnandan Pandey, R/o village- Sarottar, P.S.-
Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 03.09.2019
in a case registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the fodder house of the petitioner,
265.68 litres of Indian Made Country Made Liquor were
recovered.

It is submitted by learned counsel for the petitioner that
recovery has been made from an open place, which cannot be
treated from the conscious physical possession of the petitioner.
A statement has been made in paragraph no.3 of the petition that
the petitioner is not having any criminal antecedent. It is further



submitted that co-accused, Tabrej Ansrai has been granted anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 20.05.2019, passed in Cr. Misc. No. 33160 of 2019.

Learned APP submits that admittedly recovery has been made from the fodder house of the petitioner and the co-accused has been granted anticipatory bail since recovery has not been from his conscious physical possession.

Considering the fact that recovery has been made from an open place, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 9th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Excise Case No. 187 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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