IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62459 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- ASHOK PAPER MILL District- Darbhanga

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VIJAYA MUKHIYA, S/o Jagdish Mukhiya, R/o Village- Akbarpur, P.S.- Pator (O.P.) (Ashok Paper Mill), District- Darbhanga.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Chandra Kant, Adv.
For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 20.07.2019 in a case registered for the offence punishable under Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 3 litres of country made liquor has been recovered from the backyard of the garden of the petitioner.

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 the

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petitioner is accused in one other case of similar nature.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner and the petitioner is accused in one other case of similar nature.

Considering the nature of quantity of 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), Darbhanga, in connection with G.O. Case No.728 of 2019/A.P.M. (Pator O.P.) P.S. Case No. 105 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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