

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62595 of 2019**

Arising Out of PS. Case No.-183 Year-2018 Thana- KALYANPUR District- Samastipur

PANVATI DEVI, W/o Modi Rai @ Modi Ray, R/o village- Jakhra, P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

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

2 25-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 04.09.2019 in a case registered for the offences punishable under Sections 272, 273, 120B of the I.P.C. and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that from the fodder house of the petitioner, 182.08 litres of Nepal made liquor (saufi) were recovered.

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. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the fodder house of the petitioner.

Considering the fact that the alleged recovery has been made from an open area coupled with 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 bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd ADJ-II-cum-Special Judge (Excise), Samastipur, in connection with Kalyanpur P.S. Case No. 183 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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