

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72616 of 2019

Arising Out of PS. Case No.-178 Year-2019 Thana- PIYAR District- Muzaffarpur

MD. MUSTAFA Son of Md. Ibrahim Resident of Village-Govindpur Chhapra,
P.S.-Piar, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Adv.

Mr.Pawan Kumar Singh and Mr. Raju Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 09.09.2019 in a case registered for the offences punishable under Sections 272, 273 and 120B of the I.P.C. and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 85.05 litres of Indian Made Foreign Liquor were recovered from the fodder house of co-accused, Bablu Ram. The petitioner and other accused persons were found fleeing away from the place of seizure. Subsequently, co-accused, Bablu Ram, in his confessional statement suggested the name of the petitioner and other co-accused persons who were fleeing away from the place of seizure.



It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no recovery has been made 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 petitioner's name sprang up on the basis of confessional statement of co-accused, Bablu Ram from whose possession, the said recovery has been made.

Considering the fact that *prima facie* recovery has been made from the fodder house of co-accused, Bablu Das, 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 Special Judge (Excise), Muzaffarpur, in connection with Piar P.S. Case No.178 of 2019.

(Dinesh Kumar Singh, J)

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