

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79235 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- BRAHMPUR District- Buxar

RAM KUMAR YADAV Son of Dashrath Yadav Resident of Village- Ariyaon
(Dakshin Tola), P.S.- Brahmpur (Krishnabrahm), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 The present matter has been listed before this Court,

in view of the notification printed in the daily cause list under

the orders of Hon'ble the Chief Justice due to non-availability of

the appropriate Bench (Hon'ble Mr. Justice Hemant Kumar

Srivastava).

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is languishing in custody since

06.11.2019 in a case registered for the offence punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

It is alleged that 1589.76 litres of Indian Made

Foreign Liquor were recovered from the Pump house of the

petitioner.



It is submitted by learned counsel for the petitioner that admittedly the said recovery has been made from the pump house which is an open area and is a part of joint family house of the petitioner, hence the said recovery cannot be treated from the 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 said recovery has been made from the possession of the petitioner.

Considering the recovery being made from the pump house which is an open area and 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 ADJ-II-cum, Special Judge, Excise, Buxar, in connection with Brahmpur (Krishnabrahm) P.S. Case No. 79 of 2019.

(Dinesh Kumar Singh, J)

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