

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79221 of 2019**

Arising Out of PS. Case No.-195 Year-2019 Thana- BHARGAMA District- Araria

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TRIBHUWAN CHAUDHARY Son of Jaishankar Chaudhary Resident of
Lohiya Nagar Ward No. 09, Supaul, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

9 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 16.09.2019 in a case registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It is alleged that 67.500 litres of Indian Made Foreign Liquor was recovered from the Wagon (R) vehicle of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has neither any concern with the seized liquor nor with the vehicle in question, hence, the alleged recovery cannot be treated from the conscious physical



possession of the petitioner. A statement to that effect has been made in paragraph no.12 of the petition. The name of the petitioner sprang up in the present case on the basis of confessional statement of co-accused, Mukesh Kumar Mandal, who has been granted bail by a Co-ordinate Bench of this Court, vide order dated 04.11.2019, passed in Criminal Miscellaneous No. 65580 of 2019. Though the petitioner is accused in four other cases, but none of the cases have been registered under the Bihar Excise and Prohibition Act, 2016. A statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that the said recovery has been made from the possession of the petitioner.

Considering the period under custody, the said recovery has not been made from the conscious physical possession of the petitioner and the co-accused, Mukesh Kumar Mandal, who named the petitioner, has been granted bail by a Co-ordinate Bench of this Court, 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 Additional District and Sessions Judge-II-cum-Special Judge (Excise), Araria, in



connection with Bhargama P.S. Case No.195 of 2019, Special
Case No. 1034 of 2019.

(Dinesh Kumar Singh, J)

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