

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81242 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- NTPC District- Patna

KAUSHAL KUMAR Son of Dina Nath Singh Resident of Village -
Sammampur, P.S.- Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 26.10.2019 in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the informant being the SHO of NTPC Police Station received information on 26.10.2019 that some persons are trafficking liquor at Rally English Halt (Railway Station) whereafter, after informing senior police officers, raid was laid when one person was found carrying one bag. The said person was caught and disclosed his name as that of the petitioner. From the bag, 26.09 litres of liquor and beer were recovered.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, recovery has not been



made from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that as per the prosecution case, the petitioner was found carrying the bag including liquor.

Considering the nature of recovery, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period under custody, let the petitioner above named 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 the learned Special Judge, Excise, Patna in connection with NTPC P.S. Case No. 85 of 2019.

(Dinesh Kumar Singh, J)

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