

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81254 of 2019

Arising Out of PS. Case No.-497 Year-2019 Thana- GAYA KOTWALI District- Gaya

VIKASH KUMAR Son of Raju Choudhary Resident of Mohalla-
Chhotkidelha, Tar Babu Ki Gali, P.S- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lilawati Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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 25.10.2019 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 a police officer, received information that the petitioner is engaged in selling liquor in a street but when a raid was laid, petitioner tried to escape from the scene leaving the bag containing liquor but he was apprehended and 61.478 litres of Indian Made Foreign Liquor was recovered.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated 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 the petitioner was found escaping from the scene.

Considering the fact that the recovery has been from an open area, 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, Gaya in connection with Kotwali P.S. Case No.497 of 2019.

(Dinesh Kumar Singh, J)

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