

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81177 of 2019**

Arising Out of PS. Case No.-189 Year-2019 Thana- GOVINDPUR District- Nawada

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UMA RAM @ UMA RAJBANSHI S/o Late Bhoda Ram R/o village- J.P.
Nagar, P.S.- Govindpur, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 07.10.2019 in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a), 37(c) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from the embankment of the river, 120 litres of country made liquor and a motorcycle has been recovered.

It is submitted by learned counsel for the petitioner that admittedly the recovery has been made from an open area, hence, it cannot be treated from the conscious physical possession of the petitioner. In fact, from the possession of the petitioner only a mobile phone of Samsung company has been recovered. 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 was apprehended from the place of recovery.

Considering the fact that the recovery has been made from an open area, 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 ADJ-II-cum-Special Judge, Nawada, in connection with Govindpur P.S. Case No. 189 of 2019.

(Dinesh Kumar Singh, J)

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