

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84051 of 2019**

Arising Out of PS. Case No.-180 Year-2019 Thana- BARURAJ District- Muzaffarpur

JITENDRA KUMAR SINGH Son of Late Kamala Prasad Singh Resident of
Village - Narvara, P.S.- Baruraj, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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

2 18-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 17.9.2019 in a case registered for the offences punishable under Section 414 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that nine persons were apprehended while travelling in different vehicle from whom huge quantity of liquor were recovered. Co-accused Abhay Rathaur was apprehended and from his Pick-up, 802.81 litres of Indian Made Foreign Liquor were recovered who suggested that the petitioner and others were escorting the transportation of liquor but he managed to flee away.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical



possession of the petitioner and the name of the petitioner sprang up in the confession of co-accused. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up in the confession of co-accused.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner, investigation being concluded, 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 Act, Muzaffarpur in connection with Baruraj P.S. Case No.180 of 2019.

(Dinesh Kumar Singh, J)

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