

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4449 of 2020**

Arising Out of PS. Case No.-88 Year-2019 Thana- MALI District- Aurangabad

AJAY RAM Son of Upendra Ram Resident of Village - Banhara Ganghar,
P.S.- Mali, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh
For the Opposite Party/s : Mr.Raj Kishore Singh

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

2 29-02-2020 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that from the fodder house, adjacent to the house of co-accused Sanjay Ram, 20.200 litres of country made liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner, rather recovery has been from a hutment used to keep fodder, adjacent to the house of co-accused Sanjay Ram, who is the brother of the petitioner. The



petitioner lives separately from co-accused Sanjay Ram. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from the hutment of the brother of the petitioner.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner, coupled with the 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Mali P.S. Case No. 88 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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