

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81201 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- BEERPUR District- Begusarai

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Jitendra Kumar @ Garib Jha Son of Mako Jha @ Maksudan Jha Resident of
Village - Birpur, P.S.- Birpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

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

It is alleged that on the secret information that the liquor is being concealed in a ditch of Ashok Singh which has been collected by the petitioner and co-accused Kanhaiya Mishra, a raid was laid when 40.170 litres of Indian Made Foreign 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 and petitioner is accused in one



another case of similar nature, though supplementary affidavit has been filed by learned counsel for the petitioner to the effect that the petitioner is on bail in the said case.

Learned APP submits that on a secret information that the liquor is being collected by the petitioner and co-accused Kanhaiya Mishra, a raid was laid and recovery was made.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner rather the same has been made from a ditch of co-accused Ashok Singh, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Begusarai in connection with Birpur P.S. Case No. 103 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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