

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4751 of 2020

Arising Out of PS. Case No.-493 Year-2019 Thana- MASHRAK District- Saran

Kishan Kumar @ Kishan Kumar Singh @ Prince Kumar Son of Bashishtha Singh Resident of Village-Babu Tola, Chappiya, Police Station-Mashrak, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar,Adv.
	:	Mr. Kahkashan Alam, Adv.
	:	Mr. Arun Kumar Singh,Adv.
For the Opposite Party/s :	:	Mr.Amarendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 38, 41, 44 of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of S.I. Bhavesh Kumar submitted before the S.H.O, Mashrakh, Police Station is to the effect that 103.680 liters Indian Made Foreign Liquor was recovered from the Lichi and Banana orchard situated behind the house of the petitioner.

It is submitted by learned counsel for the petitioner that admittedly the said recovery has been made from an open area, hence, it cannot be treated to be made from the conscious



physical possession of the petitioner. Though the petitioner is accused in one other case of similar nature, but he is on bail in that case.

Learned counsel for the State submits that the recovery has been made from the back portion of the house of the petitioner.

Considering the fact that said recovery has been made from banana and lichi orchard, situated behind the house of the petitioner which is an open area, 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 12 weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Saran, in connection with Masrakh P.S. Case No. 493 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Rahul/Gautam-

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