

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55491 of 2017

Arising Out of PS. Case No.-303 Year-2017 Thana- DALSINGHSARAI District- Samastipur

Amar Nath Sah, Son of Dinesh Sah alias Dinesh Sahu, Resident of Village-
Sardarganj Vidyapati Nagar Road, P.S.- Dalsinsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-11-2017 Heard Sri Jitendra Narain Sinha, learned counsel for the
petitioner and Smt. Madhuri Lata, learned Additional Public
Prosecutor.

The sole petitioner, who is in custody since 24.09.2017 in
Dalsinghsarai P.S. Case No. 303 of 2017, registered for the offence
under Section 30(a), 38(i)(ii) and 41(i) of the Bihar Prohibition And
Excise Act , 2016, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that save
and except recovery of three mobile and some cash from the
petitioner, nothing was recovered from him, however it was alleged
as if petitioner was involved in getting Indian make foreign liquor
un-loaded from a truck, which was having registration no. of
Haryana. He submits that in this case initially one Maruti Car was
intercepted and from Maruti Car huge quantity of foreign liquor
was recovered and disclosure was made by occupants of the Maruti



Car that they had got the consignment un-loaded from a truck which was standing at a particular place. Thereafter, Police visited and noticed number of persons ,who had gathered near the truck, the petitioner was also shown to be amongst those persons, however it has been argued that petitioner was having no concern and he was only passer- by and he was apprehended on an accusation as if he was also involved in the crime. Besides this, learned counsel for the petitioner has also referred to the statement made in paragraph no. 3 of the petition to show that petitioner is having clean antecedent.

Considering the nature of accusation, the fact that no wine was recovered from the petitioner as well as period of custody , let the petitioner Amar Nath Sah be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge (Excise), Samastipur / concerned court in connection with Dalsinghsarai P.S. Case No. 303 of 2017 .

(Rakesh Kumar, J)

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