

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34917 of 2018

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Vijay Sah son of Late Rameshwar Sah, Resident of Village- Sadhugaachi,
P.S.- L.N.M.U., District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 22-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

288 liters of foreign liquor is said to have been
recovered from the Vijay Lodge and the petitioner, who happens
to be owner of the said Lodge, was apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern
with the seized liquor. As a matter of fact, there is a dispute
between the petitioner and his brother, namely, Arun Sah
regarding the said Lodge and the said Arun Sah is having



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proximity with the police personnel and with the help of police personnel he has falsely implicated the petitioner in this case by planting the aforesaid recovery from his lodge. Moreover, the said Lodge is not in occupation of the petitioner rather of the students residing in it. Petitioner was apprehended by the police from his cloth shop. There is inordinate delay of about two days in sending the F.I.R. to the learned Court below while the P.S. is located at a distance of about 45 minutes. Though one more criminal case has been lodged against the petitioner but he is on bail in the said case. He has been languishing in custody since 26.05.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged 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 Additional District & Sessions Judge-IV-cum-Special Judge, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 194 of 2018.

(Prakash Chandra Jaiswal, J)

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