

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38428 of 2018

Arising Out of PS. Case No.-382 Year-2018 Thana- SITAMARHI District- Sitamarhi

Ballav Singh @ Ram Ballav Singh, S/o Late Ramashrey Singh, Resident of
Village- Bariyarpur, P.S.- Sitamarhi, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

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

ORAL ORDER

3 16-07-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 382 of 2018 registered under Sections
272, 273 of I.P.C. and Section 30(a) of the Bihar Prohibition and
Excise Act-2016.

321 lts. of Nepali wine is said to have been
recovered from the house of the petitioner and 9 lts. of Nepali
wine from dickey of the motorcycle of his son, namely,
Shambhu Singh parked in the said house and both are said to be
indulged in the business of vending liquor.

It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from



conscious physical possession of the petitioner. He has no concern with the seized liquor. The house from where the aforesaid liquor is said to have been recovered, is inhabited by several other family members of the petitioner including his son and he had no knowledge of keeping of liquor in the said house by his son Shambhu Singh, who managed to escape seeing the police party while the petitioner being his father present in the house was nabbed. He happens to be old fellow aged about 65 years and has no concern with any trade of liquor. He has no criminal antecedent. He has been languishing in custody since 13.04.2018.

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 A.D.J.-II-cum-Special Judge, Excise, Sitamarhi in connection with Sitamarhi P.S. Case No. 382 of 2018.

(Prakash Chandra Jaiswal, J)

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