

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43306 of 2018

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Dilip Sah, Son of Chhedi Sah, resident of village – Korigama, P.S.-Baheri,
District – Darbhanga (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Prakash Mishra

For the Opposite Party/s : Mr. Dasrath Mahto

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 18-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

158.12 litres of foreign liquor is said to have been
recovered from the orchard of Phulo Singh which is said to have
been kept there by the petitioner and other accused persons.

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
either with the seized liquor or with the place of recovery. Place of
recovery is open place and is easily accessible to anyone. He was
not apprehended on the spot. Identity and genuiness of the source



of information has not been mentioned in the self-statement of the informant. He has been falsely implicated in the case. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 27.06.2018.

Considering the facts aforesaid, 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 4th Addl. Sessions Judge cum Special Judge, Excise, Darbhanga in connection with Bahadurpur P.S. Case No. 144 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

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