

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38361 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- PAROO District- Muzaffarpur

Shiv Nath Singh, Son of Sri Ramjanam Singh, resident of Village Daudpur,
P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate

For the Opposite Party/s : Smt. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 20-07-2018 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 Sections 20/20 of Narcotic Drugs and Psychotropic Substance Act and Sections 30 (a), 38,41 and 44 of Bihar Prohibition and Excise Act, 2016.

36.43 litres of foreign liquor is said to have been recovered from the house of the son of the petitioner namely Sandeep Singh and 2.3 kg ganja was recovered from the box kept in the room of the said house allegedly under lock of the petitioner, at the insistence of the petitioner and inmates of the house.



Learned counsel for the petitioner submits that no incriminating article has been recovered from conscious physical possession of the petitioner. The petitioner has no concern either with the seized article or place of recovery. The petitioner happens to be father of the aforesaid Sandeep Singh and the aforesaid old house was given in the share of Sandeep Singh by the petitioner. The petitioner is living separately along with his two sons. He had arrived there on arrival of police personnel. It is further submitted that on the insistence of the petitioner and son and wife of said Sandeep Singh. The said house was searched and petitioner effectively facilitated in the aforesaid search as evident from the statement of the informant itself. So had the petitioner kept the aforesaid article at the aforesaid place he would not have insisted for and facilitated the search of room of the said house and box kept in the room. The aforesaid aspect of the case creates a serious doubt on the prosecution case and complicity of the petitioner in the occurrence. Moreover, seized contraband is not of commercial quantity. The petitioner has no criminal antecedent and he has been languishing in custody since 12.05.2018.



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 Special Judge, Excise Act, Muzaffarpur, in connection with Paroo P.S. Case No. 154 of 2018.

(Prakash Chandra Jaiswal, J)

khushbu/-

U		T	
---	--	---	--

