

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48911 of 2018

Arising Out of PS.Case No. -357 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Shivji Sah S/o Late Prahalad Sah, R/o Mohalla- Hanuman Garhi, Sareya Ward No. 11, P.S.- Gopalganj, District- Gopalganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 09-08-2018 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.

54 liters of foreign liquor is said to have been recovered from the premises of the petitioner and the petitioner was apprehended while three other accused person managed to escape.

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. The premises from where the liquor is said to have been recovered is under litigation and the civil suit is pending



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regarding the same. He has been falsely implicated in the case at the instance of the plaintiff of the said suit, namely, Kalawati Devi. He was not apprehended from his house rather from the sweet shop. The seizure list does not bear the signature of the petitioner which itself rules out the prosecution case. He has no criminal antecedent and has been languishing in custody since 07.07.2018.

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 Sessions Judge-II-cum-Special Judge Excise Act, Gopalganj in connection with Gopalganj Town P.S. Case No.357 of 2018.

(Prakash Chandra Jaiswal, J)

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