

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2478 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- PHENHARA District- East Champaran

Shivbalak Sah, aged about 45 years (M), Son of Late Kodai Sah, Resident of
Vill-Gobindbara P.S. -Phenhara, Dist.-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Sharan Tiwari

For the Opposite Party/s : Mr. S.M. Rahman (App 57)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-01-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
24.11.2018 in a case registered for the offences punishable
under Sections 188, 290 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of
Rohit, A.S.I.-cum-S.H.O. Phenhara Police Station submitted to



the learned Special Judge, Excise Act, East Champaran, Motihari is to the effect that on 23.11.2018 at about 4.40 A.M., secret information was received that Ram Lagan Shah was involved in sale of prohibited liquor, subsequently, raid was laid in the house of Ram Lagan Sah and one person was apprehended who disclosed his name as Shivbalak Sah, who accepted that he has purchased 100 bottles of nepali liquor from Keshav Singh and Jitendra Singh. The apprehended accused person also disclosed the name of Chandan Singh and Mohan Singh who used to sell prohibited liquor.

It is submitted by learned counsel for the petitioner that no recovery has been made from the petitioner and he is servant of Ram Lagan Sah. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner used to indulge in the trade of illicit liquor.

Considering the fact that there is no recovery from the petitioner, coupled with statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of learned **Additional Sessions Judge 7th -Cum- Special Judge, Excise, East Champaran at Motihari** in connection with **Phenhara P.S. Case No. 104 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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