

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5543 of 2019

Arising Out of PS. Case No.-379 Year-2018 Thana- MANJHAGARH District- Gopalganj

SWAMINATH SAH @ MOTI SAH @ MOTU @ MOTI, son of late
Gharbharan Sah, Resident of Village- Jhajhwa, P.S.- Manjhagarh, District-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Advocate.

For the Opposite Party/s : Mr. Amarendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-02-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Manjhagarh P.S. Case No. 379 of 2018**, instituted for the offence under Section(s) 30(a), 38 and 41 of Bihar Prohibition and Excise Act, 2016.

Counsel for the petitioner submits that there is no recovery of any illicit liquor from possession of the petitioner. The seizure list is part of the First Information Report from which it appears that seizure has been made from the land and orchard of Vishwanath Sah and Vikrama Sah respectively.

It is alleged in the written report that police saw two four wheelers coming which were directed to stop, but drivers of the aforesaid vehicles started running away with the vehicles in question. Police chased them and one of the vehicle was caught. The driver of the vehicle disclosed his name as Raj Kumar Yadav.



He disclosed the name of other person as Rohit Nigam who managed to run away with the vehicle. Police during enquiry learnt that vehicle belongs to Rabindra Yadav and the person who managed to run away with the vehicle belongs to Bhola Yadav. It is further alleged that 5641.92 liters of foreign liquor has been recovered from the seized vehicle.

Petitioner is said to be labourers who was engaged for unloading and carrying the aforesaid liquor.

It is mentioned in paragraph-3 of the bail petition that petitioner has clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, 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 Ind-cum-Special Judge, Gopalganj**, in connection with **Manjhagarh P.S. CaseNo. 379 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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