

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10324 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- THAWE District- Gopalganj

BHOLA SAH, Son of Ramashish Sah, Resident of Village - Thawe Bidesi
Tola, P.S- Thawe, Dist - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Adv.

For the Opposite Party/s : Mr.Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.12.2018 in a case registered for the offences punishable under Sections 30(a), 35, 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on 09.12.2018 at 8.30 A.M., a secret information was received by the informant, being the police officer that two persons are carrying illicit liquor on a motorcycle, then the motorcycle was intercepted. Though the driver of the motorcycle escaped from the scene, but the petitioner being the pillion rider fell down with a bag containing 21.870 litres of country made illicit liquor and was arrested.



It is submitted by learned counsel for the petitioner that since the petitioner was not apprehended from the spot, hence, the said recovery cannot be treated from his conscious physical possession. 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 said recovery has been made from the petitioner.

Considering the quantity of recovery and the period under custody, coupled with statement made in paragraph no.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 2nd Additional Sessions Judge-cum-Special Judge, Gopalganj, in connection with Thawe P.S. Case No. 242 of 2018.

(Dinesh Kumar Singh, J)

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