

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10320 of 2019

Arising Out of PS. Case No.-252 Year-2017 Thana- SURSAND District- Sitamarhi

PRABHAT PRASAD GUPTA @ PRABHAT PRASAD SAH S/o Bachcha
Prasad Gupta @ Bachcha Prasad village-Sursand, P.S-Sursand, Dist -
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, 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 29.11.2018 in a case registered for the offence punishable under Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on 24.09.2017 at 3.00 P.M., on secret information, one auto rickshaw was intercepted from which altogether 97.920 litres of Nepali liquor as well as country made liquor were recovered and the driver of the vehicle in question was apprehended. The name of the petitioner sprang up during investigation on the basis of the confessional statement of the apprehended driver of the vehicle.

It is submitted by learned counsel for the petitioner



that the petitioner has maliciously been framed in the present case. It is further submitted that since the petitioner was not present at the place of seizure hence, the said recovery cannot be treated from the conscious physical possession of the petitioner and the petitioner is accused in one other case of similar nature.

Learned APP for the State submits that the petitioner's name sprang up on the basis of confessional statement of the driver of the vehicle in question from which the seizure was made.

Considering the fact that the accusation does not suggest the recovery of alleged illicit liquor from the conscious physical possession of the petitioner, 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 ADJ-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Sursand P.S. Case No.252 of 2017.

(Dinesh Kumar Singh, J)

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