

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9309 of 2019

Arising Out of PS. Case No.-527 Year-2018 Thana- DUMRA District- Sitamarhi

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Upendra Sah, aged about 47 years, (Male), Son of Ram Hriday Sah, Resident
of Village-Bachharpur, P.S.-Dumra district- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. R.B.Roy Raman (App49)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioner and the

State.

The petitioner is languishing in custody since 13.12.2018
in a case registered for the offences punishable under Sections
30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that a secret information was
received on 12.12.2018 at about 3.00 A.M., to the effect that
some persons are on the way to deliver liquor manufactured in
Nepal, whereupon, the informant, being SHO of Dumra Police
Station conducted a raid and found four persons moving on two
motorcycles, but on seeing the police party they flee away, but,



in the meantime, two Sumo vehicles were also intercepted in which three persons were found sitting and from both the Sumo vehicles, 450 litres of country made Nepali liquor were recovered and three persons were apprehended, including the petitioner. The apprehended persons disclosed the name of the persons, who flee away from the place of occurrence.

It is submitted by learned counsel for the petitioner that the petitioner was just the passenger in the vehicle in question and the said recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that there is nothing on record to suggest that the seized liquid has been transmitted to the FSL. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the vehicle in question.

Considering the fact that the recovery not being made from the conscious physical possession of the petitioner and period under custody, coupled with the 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 bonds of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned **A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi** in connection with **Dumra P.S. Case No.527 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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