

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12953 of 2019**

Arising Out of PS. Case No.-686 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Umesh Sah @ Tikar, Son of late Rajwanshi Sah, R/o village- Mahadeva
Chakiya More, P.S- Mahadeva (O.P), Siwan Mufasil , Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 05-03-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 04.12.2018 in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the house of the petitioner, 159 litres 480 ml. of I.M.F.L. (Indian Made Foreign Liquor) were recovered.

It is submitted by learned counsel for the petitioner



that the recovery has been made from the conscious physical possession of the petitioner and the petitioner was arrested on the spot though the seizure list does not bear the signature of the petitioner. It is further submitted that seizure was made from the area, which does not belong to the petitioner and investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the petitioner is also involved in two other cases of similar nature.

Learned APP for the State submits that the recovery has been made from the conscious physical possession of the petitioner.

Considering the fact that the seizure list does not bear signature of the petitioner though he was arrested from the spot and investigation already being concluded, 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-II-cum-Special Judge, Excise, Siwan** in connection with **Siwan Muffasil (Mahadeva) P.S. Case No.686 of 2018.**

Since the petitioner is accused in two other cases of similar nature, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two



consecutive occasions or gets involved in similar nature of
offence.

(Dinesh Kumar Singh, J)

Deepk/Rahul/-

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