

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10974 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- DIGHWARA District- Saran

Rupesh Sah @ Rupesh Kumar Sah, Son of Sudish Sah Resident of
Unnahachak, P.S.- Dighwara, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan

For the Opposite Party/s : Mr.Kanhaiya Kishore (App

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the written report of
Ameshwar Prasad Singh, A.S.I., of Police, Dighwara Police
Station, dated 06.09.2018, submitted to the Station House
Officer, Dighwara Police Station, is to the effect that on the
same day at 7.30 P.M., the informant received a secret
information that co-accused Chandrama Pandit and Chandan
Pandit are selling illicit liquor, whereupon, raid was laid and co-
accused, Chandrama Pandit and Chandan Pandit were
apprehended. From the house of apprehended co-accused



persons, 14 litres of Indian made foreign liquor were recovered. The apprehended co-accused persons suggested the name of the petitioner, Rupesh Sah as the person at whose behest, the liquor was stored in their house.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that though the petitioner is also made accused in other case of similar nature, but in that case, he is on bail.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the fact that prosecution case does not suggest that the recovery has been made from the conscious physical possession of the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 6th Additional District & Sessions Judge, Saran in connection with Dighwara P.S. Case No. 192 of 2018, subject to condition as laid down under Section 438(2) of



the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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