

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11998 of 2019**

Arising Out of PS. Case No.-1440 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

Upadhyay Mahto @ Upadhya Mahto, Son of Dukhi Singh @ Dukhi Mahto,
Resident of Village - Dahiyar, Post Office - Karwandiya, P.S.- Sasaram(M),
District -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
24.11.2018 in a case registered for the offences punishable
under Sections 30(a), 34 and 38 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case as per the written statement of



Praveen Kumar Singh, S.I., Sasaram (M) P.S. submitted to the S.H.O., Sasaram (M) P.S. is to the effect that the informant received a secret information that six accused persons including the petitioner have been kept illicit liquor in a bamboo orchard near on the bank of river Kao and also selling the same. Thereafter, a raid was laid and on seeing the police party all the accused persons including the petitioner, managed to escape away from the scene.

It is submitted by learned counsel for the petitioner that no recovery has been made from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case.

Learned APP for the State submits that the petitioner was found escaping from the place of seizure.

Considering the fact that the recovery being made from the bamboo orchard near the bank of river, the accusation does not suggest any recovery from the conscious physical possession of the petitioner and the fact that the investigation has already been 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 **IInd Additional Distt. and Sessions**



**Judge-cum-Special Judge, Excise, Rohtas at Sasaram in
connection with Sasaram (M) P.S. Case No.1440 of 2017.**

(Dinesh Kumar Singh, J)

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