

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13403 of 2019

Arising Out of PS. Case No.-221 Year-2018 Thana- LAUKAHI District- Madhubani

JAWAHAR SAH Son of Late Ram Prasad Sah Resident of Village- Dagraha,
P.S. Laukahi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 07.12.2018 in a case registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that from an auto rickshaw, 420 litres of Nepal made country liquor were recovered, while four accused persons, including the petitioner, found sitting inside the alleged auto rickshaw were apprehended from the place of seizure.

It is submitted by learned counsel for the petitioner that neither the auto rickshaw in question was registered in the name of the petitioner nor the petitioner was aware about the liquor being kept in the auto rickshaw in question. A statement to that effect has been made in paragraph no.9 of the petition. It



is further submitted that the petitioner is not having any criminal antecedent, a statement to that effect has been made in paragraph no.3 of the petition.

Learned APP for the State submits that the recovery has been made from an auto rickshaw in which the petitioner along with other accused persons were travelling.

Considering the fact that neither the prosecution report nor does the impugned order suggest that any effort was made by the investigating agency to ascertain the ownership of the alleged auto rickshaw, the accusation does not suggest that the petitioner was driving the alleged auto rickshaw and the investigation already being concluded, coupled with 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 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), Madhubani in connection with Laukahi P.S. Case No. 1927 of 2018, arising out of Laukahi P.s. Case No.221 of 2018.

(Dinesh Kumar Singh, J)

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