

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13484 of 2019

Arising Out of PS. Case No.-283 Year-2018 Thana- KHAJEKALA District- Patna

GANESH SAH, aged about 28 years, Male, S/o Umesh Sah, Resident of
Hamampar Shish Mahal near Tower, P.S.- Khajekalan, District- Patna
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Harish Kumar, Adv.
For the Opposite Party : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 22.01.2019 in connection with Special Case No. 7632 of 2018 arising out of Khajekalan P.S. Case No. 283 of 2018 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that the petitioner in his house has concealed illicit liquor, the house of the petitioner was raided and in a jute bag 40 liters of illicit country made liquor was recovered. Accordingly, a seizure list was prepared. It has been alleged in the first information report that neither the petitioner nor any of the family members was present in the house.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, the



house of the petitioner was in an abandoned condition, neither the petitioner nor his family members used to reside there and some unknown persons had implanted the illicit liquor in the house. He, further, submits that nothing has been recovered from his conscious possession. The provision of Section 100 of the Criminal Procedure Code has not been complied and petitioner, further, undertakes to cooperate in the investigation, not to induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No. 7632 of 2018 arising out of Khajekalan P.S. Case No. 283 of 2018 to the satisfaction of the learned Special Judge, Excise, Patna.

(Nilu Agrawal, J)

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