

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16161 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- SHEOHAR District- Sheohar *

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Bhikhari Sah, Son of Ramdev Shah, Resident of Village - Garharia, P.S.-
Sheohar, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 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 is to the effect that from the heap of straw stored on the land of co-accused Bechan Sah, 10.20 litres of Nepali liquor were recovered. Subsequently, name of the petitioner got transpired during investigation as person at whose instance, liquor were kept in the heap of straw.

It is submitted by learned counsel for the petitioner that recovery has not been from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent.

Learned APP submits that name of the petitioner sprang up during investigation as person at whose behest, the liquor were kept in the heap of straw.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioner, coupled with the 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 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 A.D.J.-II, Special Judge, Excise, Sheohar in connection with Sheohar P.S. Case No. 07 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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