

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19146 of 2019

Arising Out of PS. Case No.-296 Year-2018 Thana- TATARPUR District- Bhagalpur

MOTI LAL SAH Son of Late Ghoghan Sah Resident of Village- Parbatti,
P.S.- University, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 31.12.2018 in connection with Tatarpur (University) P.S. Case No. 296 of 2018 for offences punishable 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 some persons are dealing in illicit liquor a raid was conducted and from the house of the petitioner 33.75 litres of Indian made foreign liquor was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, is an old person of 61 years and although the house belonged to the



petitioner but there were many dwellers in the said house, as such, the petitioner could not be implicated. He further submits that nothing has been recovered from his conscious possession and he undertakes to cooperate in the investigation and not to tamper with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the fact that petitioner is an aged man of 61 years and he bears no criminal antecedent, as stated in paragraph 3 of this application, let petitioner, above named, be enlarged 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 2nd Addl. Sessions Judge cum Special Court (Excise) Bhagalpur, in connection with Tatarpur (University) P.S. Case No. 296 of 2018, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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