

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19480 of 2019**

Arising Out of PS. Case No.-659 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

JITU SAH Son of Shivpujan Sah Resident of Village - Pakri Bangali, P.S.-
Mahdeva (O.P.), Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on information that in the house of co-accused Santosh Kumar and his brother, Jitu Sah, being the petitioner, trade of illicit liquor is being done, raid was laid and from a room of the house, 41.4 litres of Indian Made Foreign Liquor were recovered.



It is submitted by learned counsel for the petitioner that though, in the FIR, it is mentioned that recovery has been made from the room of the petitioner Jitu Kumar and his brother, co-accused, Santosh Kumar, but the seizure list specifically suggests that recovery has been made from the room of co-accused Santosh Kumar, hence, recovery cannot be treated 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 recovery has been made from the joint family house of the petitioner.

Considering the fact that seizure list suggests that recovery has been made from the room of co-accused, Santosh Kumar, 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 Additional Sessions Judge-II-cum-Special Judge (Excise), Siwan in connection with Siwan Mufassil (Mahdeva)



P.S. Case No. 659 of 2018, 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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