

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73964 of 2018

Arising Out of PS. Case No.-115 Year-2018 Thana- PASRAHA District- Khagaria

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Ashok Sharma, Son of late Digambar Sharma, Resident of Village- Birbas,
P.S. Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that on 19.09.2018 at about 10.25
P.M. the informant being police officer received a secret
information that in the house of the co-accused Ranvijay
Sharma, Sumit Sharma has kept foreign liquor. Consequently,
the raid was led and from the house of co-accused Ranvijay
Sharma, 163.5 liter foreign liquor was recovered. The co-



accused Ranvijay Sharma, disclosed the name of the petitioner as the person who stored the seized liquor.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, since no recovery has been made from the conscious possession of the petitioner, no offence under section 30(a) is made out against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the confession of the co-accused Ranvijay Sharma, from whose house recovery has been made.

Considering the fact that the recovery has not been made from the conscious possession of the petitioner, 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional District and Sessions Judge-2nd-cum-Incharge Special Judge Excise, Khagaria**, in connection with **Pasraha P.S. Case No. 115 of**



2018 subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/ Ajeet/-

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