

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20893 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- BALIYA District- Begusarai

Vikash Sinha @ Bikash Sinha, Son of Late Surendra Sinha, Resident of
Mohalla- Ballia, Station Road, Ward No. 3, P.S.- Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
01.03.2019 in a case registered for the offences punishable
under Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as per the written report of Ram
Niwas, Station House Officer of Ballia Police Station dated
28.02.2019 submitted to the Additional District & Sessions
Judge-II cum – Excise, Begusarai, is to the effect that on
28.02.2019, on secret information, one bus coming from
Bhagalpur was intercepted from which, 73 litres of Indian
Made Foreign Liquor were recovered from underneath seat
when two persons were apprehended who disclosed their name



as Sonu Kumar and Chandan Kumar who also disclosed that the petitioner used to facilitate the transportation of the liquor and has got down in Ballia from the bus.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and only on the confession of co-accused persons the name of the petitioner has been sprang up. Though the petitioner is accused in one another case of similar nature but he is on bail in that case.

Learned APP submits that the apprehended co-accused persons disclosed that the petitioner used to facilitate the transportation of the liquor.

Considering the fact that the prosecution report does not suggest the recovery from the petitioner, let the above named petitioner be released 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 Additional Sessions Judge II -cum- Special Judge, Begusarai in connection with Ballia P.S. Case No. 54 of 2019.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

