

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33542 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- JANDAHA District- Vaishali

CHINTU SAH S/o Uma Shankar Sah R/o Village- Hirpur, P.S.- Jandaha,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jandaha Police Station Case No. 95 of 2018, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police party raided the house of one Yogendra Sah and recovered 27.135 litres of illicit liquor.

Learned Counsel for the petitioner submits that there is no recovery from the premises or conscious possession of the petitioner and the petitioner's name has been surfaced in view of the confessional statement of co-accused Yogendra Sah, from whose room illicit liquor has been recovered. Accordingly, no



prima facie case is made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that no recovery has been made from the conscious possession of the petitioner, this application is allowed.

Let the petitioner, Chintu Sah, in the event of his arrest or surrender before the Court below within four weeks, 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 -cum- Special Judge, Excise, Hajipur, at Vaishali, in connection with Jandaha Police Station Case No. 95 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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