

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33300 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- UJIYARPUR District- Samastipur

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Sharban Kumar @ Sharban Kumar Singh Son of Siya Ram Singh Resident of
Village- Bajidpur, P.S.- Ujiarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Ujiarpur P.S. Case No. 41 of 2019 registered for the offence
punishable under Sections 38 and 30(a) of Bihar Prohibition and
Excise Act-2016.

165.54 lts. of foreign liquor is said to have been
recovered from the room and *Bathan* of the petitioner and
petitioner, his father and wife were apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. Petitioner has no concern
with the seized liquor. The aforesaid house is joint family house



of the petitioner and he had no knowledge of keeping of liquor there. Petitioner has no criminal antecedent and has been languishing in custody since 18.03.2019. Similarly situated co-accused, namely, Siya Ram Singh and Parwati Devi, who happen to be father and wife, respectively, of the petitioner have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 24.04.2019 passed in Cr. Misc. No. 26968 of 2019.

On the other hand, learned APP for the State opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Samastipur in connection with Ujiarpur P.S. Case No. 41 of 2019.

(Prakash Chandra Jaiswal, J)

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