

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34101 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- JIRADEI District- Siwan

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JITENDER SAH @ JITENDER KUMAR SAH Son of Sipahi Sah Resident
of Village - Muiya, P.S.- Ziradei, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav
For the Opposite Party/s : Mr.Arun Kumar

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

ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 272 and 273 of the Indian Penal Code
and Sections 30(a)/47 of the Bihar Excise & Prohibition Act,
2016.

8.640 litres of foreign liquor is said to have been
recovered from the windowless and doorless asbestos room of
the petitioner and one accused namely Ajay Kumar was
apprehended while other managed to escape. The apprehended
accused disclosed the name of the petitioner as fleeing
accomplice in the occurrence.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized liquor. The room in question is under construction having no door and window and is easily accessible to all. Petitioner was not apprehended on the spot. He has been named in the occurrence by the apprehended accused Ajay Kumar due to animosity. Hence no offence under Excise Act is made out against the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Addl. District and Sessions Judge-II cum Special Judge, Excise, Siwan in connection with Ziradei P.S. Case No. 15 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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