

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41624 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RISHIPAL SAH @ BHOLA SAH S/o Late Vir Prakash Sah @ Ganaur Sah
R/o village- Musapur Ward No.- 13, P.S.- Samastipur (M), District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Excise Case No. 126 of 2019, disclosing offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police, upon a secret information, searched the
house of the petitioner and recovered 21.060 litres of illicit
liquor at the back of the house of the petitioner, which was
covered by palm leaves.

Learned Counsel for the petitioner submits that the
illicit liquor has not been recovered from the conscious
possession of the petitioner inasmuch as the same has not been
recovered from inside the house of the petitioner and from



perusal of the First Information Report, it is evident that the illicit liquor has been recovered from the back side of the house of the petitioner, which is an open space and cannot be said to be recovered from the petitioner. He further submits that from the allegation made in the First Information Report, no prima facie case is made out against the petitioner.

After having heard learned Counsel for the parties and taking into consideration that fact that the illicit liquor has not been recovered from the conscious possession of the petitioner and the same has been recovered from the open space outside the house of the petitioner, this application is allowed.

Let the petitioner, Rishipal Sah @ Bhola 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in connection with Excise Case No. 126 of 2019, 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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