

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.49876 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- BHIMPUR District- Supaul

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SHYAM SINGH Son of Late Radha Krishna Ballabh Singh Resident of
Village-Fakirna, P.S.-Karjain, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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

ORAL ORDER

3 04-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 30(a),
41(1), 41(2), 47 of the Bihar Liquor Prohibition & Excise
Amendment Act.

1233 litres of Nepali liquor is said to have been
recovered from the pick up van and its owner-cum-driver
namely Fazlur Rahman and one another accused were



apprehended. The said owner-cum-driver divulged that they were proceeding to deliver the said wine to the petitioner Shyam Singh.

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 either with the seized liquor or with the vehicle in question or with any trade of liquor. There is no cogent incriminating material on record to indicate the complicity of the petitioner in the occurrence barring disclosure made by co-accused Fazlur Rahman due to animosity. Hence, no offence under Excise Act is made out against him. Petitioner has no criminal antecedent.

Learned APP for the State opposed the bail petition.

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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Supaul in



connection with Bhimpur P.S. Case No. 20 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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