

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62442 of 2019

Arising Out of PS. Case No.-104 Year-2019 Thana- GANGABRIDGE District- Vaishali

Suhag Rai @ Sohag Ray, Son of Shyam Bahadur Rai @ Shyam Sundar Rai,
Resident of Village - Litiyahi, P.S.- Raghapur (Rustampur O.P.), District -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-10-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 30.07.2019 in a case registered for the offences punishable under Sections 30(a) and 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a tractor, 816.12 litres of Indian Made Foreign Liquor were recovered. It is alleged that two accused persons, who were found sitting on the alleged tractor, managed to flee away from the scene. The local Chaukidar identified them as co-accused Jitendar Kumar and the petitioner, Suhag Rai.

It is submitted by learned counsel for the petitioner that a statement has been made in paragraph no. 8 of the petition that neither the petitioner is owner of the alleged tractor nor was he driving the same. It is further submitted that recovery has not



been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is made accused in five other cases of similar nature of offence and in all those cases, he is on bail.

Learned APP submits that local Chaukidar identified the petitioner as the person who fled away from the scene.

Considering the fact that recovery has not been made from the conscious physical possession of the petitioner and the prosecution report does not suggest that the petitioner is the owner of the alleged tractor and the petitioner has not been arrested from the scene, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 104 of 2019.

If the petitioner gets involved in similar nature of offence, the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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