

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62473 of 2019

Arising Out of PS. Case No.-479 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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VIJAY KUMAR SAH @ BIJAY KUMAR SAH, Son of Panchu Sah,
Resident of Village-Laxamipur, P.S.-Belbichhawa, District-Rautahat (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.
For the Opposite Party/s : Ms.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since
05.08.2019 in a case registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

It is alleged that from the possession of the
petitioner, 189 litres of Nepali (Saufi) liquor has been
recovered.

It is submitted by learned counsel for the petitioner
that the said recovery has not been made from the conscious
physical possession of the petitioner and the petitioner has
maliciously been framed in the present case. A statement has



been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the said recovery has been made from the conscious physical possession of the petitioner.

Considering the nature of recovery, period in custody coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the above named petitioner 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 ADJ-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Case No.C2/479/2019.

(Dinesh Kumar Singh, J)

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