

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.760 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- BALIYA District- Begusarai

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Guddu Sah @ Sudama Sah @ Guddu Son of Chamru Sah, Resident of Village
- Badi Sankh , P.S.- Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in Baliya P. S. Case No.
56 of 2018 instituted for the offence under Section(s) 30(a),
32, 41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for petitioner submits that petitioner
was not apprehended on the spot. The recovery of foreign
liquor has been made from the pick up van. Learned counsel
further submits that in the F.I.R. itself it is mentioned that name
of the driver was Happu @ Guddu, resident of Sabdalpur.

In the written report, it is alleged that police got
information that named accused persons along with driver
Happu @ Guddu are carrying foreign liquor in pick up van.
When the informant proceeded for taking action then seeing the



police party all of them left the vehicle and fled away. Thereafter, the vehicle was searched and total 1276. 560 litres of foreign liquor was recovered .

Seizure list is part of the FIR.

From perusal of the seizure list, it appears that there is no recovery of any foreign liquor from conscious possession of this petitioner. The name of the driver has been mentioned in the FIR as Happu @ Guddu.

Petitioner is in custody since 16.11.2018 having no criminal antecedent.

Considering the aforesaid, let the petitioner, above named, 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 the Special Judge, Excise Act, Begusarai, in connection with Baliya P. S. Case No. 56 of 2018 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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