

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81202 of 2019**

Arising Out of PS. Case No.-382 Year-2019 Thana- GHORASAHAN District- East
Champaran

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RAM BAHADUR SAH Son of Kishun Sah Resident of Village - Bhawanipur,
P.S.- Jitna (Ghorasahan), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
07.10.2019 in a case registered for the offence punishable
under Section 30(a) of the Bihar Excise and Prohibition Act,
2016.

The prosecution case got initiated on the basis of a
written report submitted by the informant, being the Sub-
Inspector of S.S.B. before the Officer-in-Charge, Ghorasahan,



Police Station to the effect that while the petitioner along with other co-accused persons were coming in India through border from Nepal side, when the informant asked them to stop they started to flee away from the scene while throwing illicit liquors which were being carried by them into a paddy field, but on chase being made, the petitioner was apprehended and was brought to the place where he threw the illicit liquor. Subsequently, 162 litres of Nepali liquors were recovered from a paddy field.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the said recovery cannot be treated from the conscious possession of the petitioner. 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 petitioner was apprehended by the Sub-Inspector, SSB when he was trying to escape from the place of recovery after throwing the said liquor in the paddy field.

Considering the said recovery from an open area, statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the period



under custody, 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 Special Judge (Excise), East Champaran at Motihari, in connection with Ghorasahan (Jitna) P.S. Case No. 382 of 2019.

(Dinesh Kumar Singh, J)

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