

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3570 of 2020

Arising Out of PS. Case No.-175 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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LOHA SAH Son of Binda Sah Resident of Village- Semra, P.S.- Dhaka,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-05-2020 Heard Mr. Anil Kumar, learned Counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Kundwa Chainpur Police Station Case No. 175 of 2019,

registered for the offence punishable under Sections 272/273 of

the I.P.C. and Sections 30 (a)/41(1) of the Bihar Prohibition and

Excise Act, 2016.

The prosecution case, in brief, is that the police, the

S.S.B. Officials, on secret information, intercepted two persons

near Pillar No. T-07, who were coming on bicycles from Nepal

to India, carrying bags on their bicycles. The S.S.B. Officials



searched the bags and recovered 135 bottles of illicit Nepali liquor, having 300 ml. in each bottle (total 40.5 litres).

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive by the S.S.B. personnels and no illicit liquor has been recovered from the conscious possession of the petitioner by the S.S.B. personnels in presence of any independent witness and, thus, the procedure, prescribed for search and seizure under Section 100 of the Cr.P.C., has not been followed. He further submits that the petitioner is in judicial custody since 09.11.2019. He next submits that one case, being Dhaka Police Station Case No. 72 of 2018, is pending against the petitioner, in which he is on bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 09.11.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, East Champaran, at Motihari, in connection with Kundwa Chainpur



Police Station Case No. 175 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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