

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72961 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- PANAPUR District- Saran

SUBHASH KUMAR @ SUDHU SAH @ SUDHU Son of Pradip Sah @
Theha Resident of Village - Dumarson , P.S.- Masrakh, Distt.- Saran At
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Ban Bihari Singh,Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sing (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 06-02-2020

Heard both the parties.

2. This application under section 482 of the Cr.P.C. has been filed for quashing the order dated 16.09.2019 passed by learned Additional Sessions Judge-11th, Saran at Chapra in Panapur P.S. Case No. 157 of 2018 instituted for the offence under sections 30, 30(a), 38/41 of the Bihar Prohibition and Excise Act by which the prayer of the petitioner for release on bail under section 167(2) (a) (1) of Cr.P.C. has been refused.

3. Prosecution case was lodged on written complaint filed by S.H.O. Panapur for recovery and seizure of 420 liters of country made wine kept in a Scorpio vehicle and it is alleged that petitioner was one of the co-passenger of the said vehicle and engaged in illicit trade of liquor. Subsequently,



he was taken in judicial custody.

4. He filed an application for release on compulsive bail as even after 90 days of custody, no chargesheet was submitted against him but same was refused by the court below only for the reason that his application was rejected by Hon'ble High Court on merit with observation that he may be released on bail after 6 (six) months of custody.

5. The order passed by the Special Court denying regular bail even after non-submission of chargesheet within 90 days is not sustainable and accordingly same is quashed. Petitioner is directed to be released forthwith under section 167 (2) of Cr.P.C.

6. This criminal miscellaneous petition is allowed.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

